

Gig Harbor City Council Meeting

**November 28, 2011
5:30 p.m.**



**AMENDED AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
Monday, November 28, 2011 – 5:30 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of Nov. 14, 2011. *Page 2*
2. Receive and File: Minutes of Budget Worksessions – Nov. 7th and 8th, 2011. *Page 6*
3. Resolution – Cooperative Purchasing. *Page 15*
4. Memorandum of Understanding – Gig Harbor Historical Museum. *Page 22*
5. Amendment to City Attorney Contract. *Page 27*
6. Approval of Payment of Bills for Nov. 28, 2011: Checks #68351 through #68445 in the amount of \$461,047.79.

OLD BUSINESS:

1. Final Public Hearing and Second Reading of Ordinance – 2012 Proposed Budget. *Page 32*
2. Public Hearing and Second Reading of Ordinance – 2011 Budget Amendment. *Page 39*

NEW BUSINESS:

1. Public Hearing and First Reading of Ordinance – Performance Based Height Exceptions for Private Schools. *Page 43*
2. Appointment of a City Representative for the Public Transportation Improvement Conference. *Page 70*

STAFF REPORT:

1. Flood Control Zone District Presentation by Pierce County: Council direction needed.
2. Pierce Conservation District \$5 Assessment.

PUBLIC COMMENT:

MAYOR’S REPORT / COUNCIL COMMENTS:

ANNOUNCEMENT OF OTHER MEETINGS:

Planning/Building Committee: Mon. Dec 5th at 5:15 p.m.

EXECUTIVE SESSION: For the purpose of discussing pending or potential litigation per RCW 42.30.110(1)(i) and Guild Negotiations per RCW 42.30.140(4)(a).

ADJOURN:

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – NOVEMBER 14, 2011

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

CALL TO ORDER: 5:32 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of Oct. 24, 2011.
2. Liquor License Action: a) Added Privilege: Safeway; b) Renewals: Harbor Kitchen, Half-Time Sports.
3. Receive and File: a) Flood Control Zone District Letter;
4. Commute Trip Reduction Agreement.
5. Resolution No. 879 – Sole Source Purchase of Equipment.
6. Resolution No. 880 – Renewal of Pierce Conservation District Assessment.
7. Holiday Tree Lighting Entertainment Contract.
8. Final Plat Approval – Jasmine Plat.
9. (CPP 0914) Donkey Creek Project Final Design, Permitting, and Bidding Assistance – Consultant Services Contract Amendment No. 1.
10. Approval of Payment of Bills for Oct 24, 2011: Checks #68169 through #68350 in the amount of \$1,099,108.02.
11. Approval of Payroll for the month of October: Checks #6355 though #6370 in the amount of \$304,605.27.

MOTION: Move to adopt the Consent Agenda as presented.
Kadzik / Payne – unanimously approved.

PRESENTATIONS: Barbara Grace Award - Senior Planner Jenn Kester.

Planning Director Tom Dolan presented the background information for this yearly award given to a “mid-level planner who has distinguished her of himself with dedication to public service and professional accomplishment.” He praised Jennifer for her outstanding job as a planner for the city for over nine years.

Mayor Hunter presented Jennifer with the Barbara Grace Award, thanking her for her service to the city. Councilmember Kadzik voiced his admiration for the job she performs. Ms. Kester accepted the award saying a few before introducing her husband Ken and son Owen.

OLD BUSINESS:

1. Second Reading of Ordinance – Code Enforcements Citations. Planning Director Tom Dolan introduced this ordinance that would allow a more efficient method for enforcement of land use violations

MOTION: Move to adopt Ordinance No. 1226 as presented.
Payne / Ekberg - unanimously approved.

NEW BUSINESS:

1. Public Hearing – Development Regulations in Flood Hazard Areas. Planning Director Tom Dolan presented background information on the interim ordinance adopted by Council at the September 26th Council meeting. He explained that this public hearing was set by the ordinance in order to accept additional testimony.

Mayor Hunter opened the public hearing at 5:42 p.m. No one came forward to speak and the hearing closed.

Mr. Dolan addressed Council questions on potential exemptions and flexibility, and the ability to quantify the potential cost of the regulations.

City Attorney Angela Belbeck explained that the city could choose not to impose the regulations but in doing so, would forfeit grant opportunities and the ability to qualify for the Federal Flood Insurance Program. She said that unless Council wants to adopt additional findings, no action is required.

2. First Public Hearing and First Reading of Ordinance – 2012 Proposed Budget. Finance Director David Rodenbach introduced the ordinance and described changes made as a result of the budget worksessions and the passage of Proposition #1. He explained that the current 2011 salary ranges would be in effect until the completion of guild negotiations.

Mayor Hunter opened the public hearing at 5:56 p.m. No one came forward to speak and the hearing closed. This returns for a second reading at the next meeting.

3. Public Hearing on Revenue Sources. Finance Director David Rodenbach introduced this public hearing on revenue sources for the next year's general fund budget.

Mayor Hunter opened the public hearing at 6:00 p.m. No one came forward to speak and the hearing closed. No further action required.

4. Resolution – 2012 Property Tax Levy. Finance Director David Rodenbach presented two resolutions; the first to set the city's regular tax levy and the second, for an excess levy for the Eddon Boat bonds.

MOTION: Move to adopt Resolution No. 881 setting the 2012 tax levy.
Young / Kadzik – unanimously approved.

MOTION: Move to adopt Resolution No. 882 setting the 2012 excess tax levy.
Young / Kadzik – unanimously approved.

5. First Reading of Ordinance – 2011 Budget Amendment. Finance Director David Rodenbach presented the background information for amendments to the general fund department, the street operating fund and the street capital fund prior to year end. He explained that the public hearing would be held at the second reading of the ordinance on November 28th.

6. Naming the Maritime Pier. City Administrator Rob Karlinsey presented information on several proposals for naming the maritime pier. Council recommended following past practice.

MOTION: Move to follow the park naming policy as outlined in Resolution No. 717.
Ekberg / Young – unanimously approved.

STAFF REPORT: None.

PUBLIC COMMENT: None.

MAYOR’S REPORT / COUNCIL COMMENTS:

Mayor Hunter reported that he attended a great Veteran’s Day Ceremony on Friday put on by the local Boy Scouts.

Councilmember Payne welcomed Councilmember Conan back from his mission to Africa. He then recognized Council-elect members Jill Guernsey and Michael Perrow in the audience.

Councilmember Ekberg said that he attended the recent Auditor Exit Interview, and praised David Rodenbach and his staff for another year with no audit findings.

Councilmember Young reported that Pierce Transit is creating a boundary adjustment and the city will be asked to send a representative.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Operations Committee: Thu. Nov. 17th at 3:00 p.m.
2. Civic Center Closed Thu. Nov. 24th and Fri. Nov. 25th for Thanksgiving Holiday.

EXECUTIVE SESSION: For the purpose of discussing pending litigation per RCW 42.30.110(1)(i), and Guild Negotiations per RCW 42.30.140(4)(a).

MOTION: Move to adjourn to Executive Session at 6:17 p.m. for approximately 25 minutes For the purpose of discussing pending litigation per RCW 42.30.110(1)(i), and Guild Negotiations per RCW 42.30.140(4)(a).
Franich / Conan – unanimously approved.

MOTION: Move to return to regular session at 6:45 p.m.
Ekberg / Payne - unanimously approved.

MOTION: Move to authorize the city's attorneys to file an appeal of the Flood Control Zone District Determination of Non-significance.
Payne / Malich – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 6:47 p.m.
Franich / Payne – unanimously approved.

CD recorder utilized: Tracks 1002 – 1019

Chuck Hunter, Mayor

Molly Towslee, City Clerk



GIG HARBOR CITY COUNCIL BUDGET WORKSESSION MINUTES

DATE: November 7, 2011
TIME: 5:30 p.m.
LOCATION: Community Rooms A & B
SCRIBE: Molly Towslee, City Clerk
MEMBERS PRESENT: Mayor Hunter, Councilmembers Kadzik, Payne, Malich, Young and Ekberg.
STAFF PRESENT: Rob Karlinsey, Dick Bower, Barb Tilotta, David Rodenbach, Tom Dolan, Kay Johnson, Stacy Colberg, and Molly Towslee.

INTRODUCTION

Mayor Hunter opened the meeting and after roll call, turned the meeting over to City Administrator Rob Karlinsey who asked Finance Director, David Rodenbach to begin the overview.

LEGISLATIVE

David Rodenbach briefly introduced this fund. There was no discussion.

NON-DEPARTMENTAL

David Rodenbach gave an overview of the Objectives for this fund:

- Operating transfers out.
- Employee Benefits - payments for LEOFF I disability, workers comp and unemployment benefits.
- Debt Service
- City Audit
- Election costs
- Emergency Management – placeholder.

No follow-up discussion.

COURT

Court Administrator Stacy Colberg presented the 2012 Objectives, similar to 2011. She highlighted:

- Community Awareness programs
- Increased cast load
- Paperless program
- Increased collections
- No passport services
- Courtsmart system

DISCUSSION / RECOMMENDATION

1. Work with I.T. to get the sound system in the Council Chambers adjusted.

ADMINISTRATION

City Administrator Rob Karlinsey said this budget similar to 2011. He presented an overview of the goals and objectives.

- Mainstreet Program.
- Lobbyist Contracts – 11% COLA
- Policies Updates
- Insurance Recovery has increased

DISCUSSION / RECOMMENDATION

1. Work together with GHHWA on marketing study parameters and to find a consultant.

FINANCE / INFORMATION SYSTEMS

Finance Director David Rodenbach and IT Manager Kay Johnson gave overviews of the 2012 Objectives.

- Financial Management Systems Upgrade.
- Increased Bandwidth to facilitate video arraignments, permit tracking
- Phone system upgrade – VIOP
- Firewalls
- IT Staff Adjustment: increase to 30 hours weekly

DISCUSSION / RECOMMENDATION

1. Make sure CenturyLink has opportunity to bid

LEGAL

Rob Karlinsey explained the budget for legal services.

PLANNING

Planning Director Tom Dolan gave an overview of the 2012 Objectives.

- Update to comprehensive plan
- Process improvements
- Land use text amendments
- SMP update
- Ratification of countywide planning policies
- Balance planning tasks
- Annex east half of the bay
- Downtown Parking Revisions
- Medical Marijuana Collective Gardens

DISCUSSION / RECOMMENDATION

1. Cost and need for an overwater survey.

BUILDING / FIRE SAFETY / EMERGENCY MANAGEMENT

Building / Fire Safety Director Dick Bower gave an overview of the 2012 Budget.

- Capital: New computer for Permit Tech
- Staffing Adjustment: Keep temporary building inspector in 2012 and revisit the workload.

DISCUSSION / RECOMMENDATION

1. The increase in inspections numbers verses the number of permits due to large projects.

POLICE DEPARTMENT

Chief Davis gave a brief overview of the 2012 Capital Outlay.

- Radio system if Proposition #1 fails.
- Upgrade to mobile data computers in vehicles

DISCUSSION / RECOMMENDATION

1. Financing of take-home vehicles.
2. Replacement begins in 2014.
3. Model Lakewood's replacement policy
4. Equipment replacement fund in place
5. Vehicle maintenance done by city crew

BUDGET RESERVES

David Rodenbach gave an overview.

- Transfer funds from Civic Center to Strategic Reserve to clarify intent.
- Develop policy on how you want to pay back
- Money will be moved and adjustments made to 2012 Budget

DEBT SERVICE

David Rodenbach gave an overview.

- \$140,000 left from LID No. 97-1 that will remain in fund

PUBLIC ART

Rob Karlinsey presented the overview.

- Public Art Project - \$44,000 grant for Eddon Boat Beach granite sculpture
- GHAC recommendation for city contribution towards Maritime Pier Sculpture

DISCUSSION / RECOMMENDATION

1. No formal request came forward from the GHAC so budget to be reduced back to the \$44,000 grant.

Rob Karlinsey asked for Council to consider a request from Peninsula School District for \$2500 to support of the KGHP Radio station.

DISCUSSION / RECOMMENDATION

1. It's an educational program
2. Not a large amount
3. Radio station can promote city events
4. Promotes the school district and economic health of the community
5. License at risk of loss
6. Others are participating

Rob then asked for Council consideration for the request from Gig Harbor Wildwatch for \$2000 in support.

DISCUSSION / RECOMMENDATION

1. It's an educational program that enhanced the community
2. Give the funds to the parks department to decide
3. Program helps the city's NPDES requirements

Rob Karlinsey handed out a citizen request for more pedestrian / bicycle travel room at the Peacock / Borgen Blvd. roundabout.

DISCUSSION / RECOMMENDATION

1. Difficulty in obtaining right of way when constructed
2. ADA access
3. No problem driving through there

There were no further comments; the worksession adjourned at 7:15 p.m.



GIG HARBOR CITY COUNCIL BUDGET WORKSESSION MINUTES

DATE: November 8, 2011
TIME: 5:30 p.m.
LOCATION: Community Rooms A & B
SCRIBE: Molly Towslee, City Clerk
MEMBERS PRESENT: Mayor Hunter, Councilmembers Kadzik, Payne, Malich, Young and Ekberg.
STAFF PRESENT: Rob Karlinsey, David Rodenbach, Barb Tilotta, Lauren Lund, Steve Misiurak, Emily Appleton, Jeff Langhelm, Marco Malich, Darrell Winans, and Molly Towslee.

INTRODUCTION

After roll call, Rob Karlinsey asked staff to begin.

MARKETING

Marketing Director Lauren Lund said that the 2012 Budget was as tight as 2011.

- Update marketing video
- Reserve fund in good shape
- 2015 U.S. Open – a request to use the reserve fund will be forthcoming

DISCUSSION / RECOMMENDATION

1. Web cams; no money in the budget to proceed. GH Inn okay to put on building
2. Shop Local program.
3. Admin budget will be amended to remove support for Shop Local program. Dollars may be leveraged as the year progresses.
4. Move forward with low-cost alternatives.

PUBLIC WORKS

Rob Karlinsey explained that the extensive 2012 capital projects list is the reason for the request for temporary staff adjustments. These will all be re-evaluated at the end of one year. He explained that if the staffing adjustments are not approved, the projects with strike-through will not be accomplished in 2012. He then explained that there are several projects that he is recommending be postponed until 2013 shown on the blue sheet as strike-through.

Engineering:

- Senior Engineer – increase current from .55 to 1.0
- Temporary Community Development Assistant .55
- Temporary Senior Project Engineer 1.0

DISCUSSION / RECOMMENDATION

1. Roundabout Gap Metering – postpone until 2013.
2. Non-Motorized Facilities Plan Update – move closer to mandatory comp plan update.
3. Make sure temporary status of staff adjustments is made clear in hiring process.

PARKS Marco Malich gave an overview of the 2012 Parks Objectives and Capital.

DISCUSSION / RECOMMENDATION

1. Community Arts Program - placeholder only.
2. Wilkinson Farm Park Tree Removal.
3. Wilkinson Farm House electrical system – bring up to useable condition.
4. Wilkinson Farm House / Barn – needs caretaker due to increased traffic on Cushman Trail.
5. Tennis Courts
6. Rohwer House demo. Redo electrical in remaining outbuildings to use for off-season storage.
7. Roof cleaning for rental properties.
8. Request for new dump truck / sander to fill in during snow events. No CDL required to drive.
9. Seasonal Hire to keep up with parks maintenance & flagging. These positions are being negotiated with the guild so only included as a placeholder.
10. Construction Inspector vehicle.
 - a) Refurbish verses new
 - b) 2001 Tahoe not eco-friendly
 - c) More information on Lakewood model requested
 - d) Add more to budget and explore options for a new vehicle

PARKS CAPITAL

- Jerisich Dock Plaza
- Jerisich Dock Extension - piles and another float, better pump-out
- Skansie House – new electrical, some plumbing and some structural repairs.
- Eddon Boat Park – beach water access
- Crescent Creek Park – play structure
- Wilkinson Farm Park Trail System Plan
- Maritime Pier Restroom
- Harbor Hill Park design and engineering
- Cushman Trail Phase 3 design, permitting and construction. Amend budget to remove reference to HBZ funding
- NEPA for Cushman Trail / McCormick Creek Plat Connection
- Public Works Maintenance Facility – design and permitting

DISCUSSION / RECOMMENDATION

1. Use for Skansie Front Room
2. Eddon Boat Park – Parks Commission wants it to be more ADA accessible to restroom and house
3. Pin pile Bridge at Cushman Trail – if you change design you have to re-design and re-permit
4. Cushman Trail grant – is it worth ½ million in matching funds that could be better used elsewhere?
5. Need to think more strategically with grant applications. It's the reason for the strategic fund, but we still have to be careful.
6. Go for pre-engineered building for Public Works Maintenance Facility
7. WWTP Fund should contribute towards design of the PW Maintenance Facility
8. Need to move forward on Bujacich Road Lift Station?

STREET OPERATING Steve Misiurak presented:

- Pavement markings
- Street sign reflectivity
- 2012 pavement maintenance and repair (HBZ vs. non-HBZ)
- Street trees and sidewalk replacement
- City-wide illumination plan
- Speed limit evaluations

DISCUSSION / RECOMMENDATION

1. Sunnybrae neighborhood to be closed off with berm
2. Master plan for vegetation? No, but species are in the public works standards.

STREET CAPITAL

- 56th Street/Pt. Fosdick sidewalk and roadway improvements – two pending grant applications.
- Harborview Dr / Pioneer – demo and flat work to be done in-house (for clock)
- Harbor Hill Drive Extension – HBZ dollars. Multi-year project with an \$800,000 placeholder until scope of work completed
- SR16 Burnham Interchange Roundabout GAP Metering moved to 2013

DISCUSSION / RECOMMENDATION

1. 56th Street Project – how old? 2003. May have to revisit some design work.

WATER OPERATING Marco Malich presented:

- Annual water meter replacement and testing
- Grandview water tanks painting a darker green
- Shurgard tank – seismically retrofit
- Water valve addition at Hollycroft / Olympic
- Abandon asbestos concrete pipe on Stinson
- Well #8 wiring upgrades and building removal
- Woodworth water tank removal
- Emergency Management Services
- Upgrade of SCADA monitoring system

DISCUSSION / RECOMMENDATION

1. Call Councilmembers when using the “insert-a-valve” system at Hollycroft
2. Look into option for someone to buy the Woodworth tank when removed
3. What to do with property when tank removed? Pocket park

WATER CAPITAL

- Deep aquifer well development
- Water rights annual advocate / permitting
- Reuse and reclaimed water – phase 2
- Asbestos cement water main replacement

DISCUSSION / RECOMMENDATION

1. Strategies for Well 1 – alternate with others
2. How much spent on water rights attorney and what tasks were done
3. Reclaimed water: mechanics of plant near Gig Harbor North
4. Did waterline replacement on Pioneer help water quality downtown?

WASTEWATER OPERATING WWTP Supervisor Darrell Winans presented:

- Soundview Manhole repair

WASTEWATER CAPITAL Steve Misiurak presented:

- Lift Station No. 6 replacement
- Lift Station No. 4 replacement
- Bujacich Lift Station
- WWTP Phase 2
- 56th / Pt. Fosdick Sewer Replacement

DISCUSSION / RECOMMENDATION

1. Avoid construction at Jerisich during summer months
2. Estimated cost to purchase right-of-way for Station 6
3. Design issues and options for Station 4.
4. Design includes showers or laundry at Jerisich?
 - a) Internal plumbing included but not in design
 - b) Cost verses benefit
 - c) Encourages live-a-boards
 - d) Dock not designed as a full-service facility
 - e) Size doesn't warrant
5. Why doesn't city have a standard for lift station design.
 - a) There are standards but each lift station is unique: volume, basin, etc.
6. Sewer rates – no planned increases for 2013 and beyond

STORMWATER OPERATING

- NPDES Phase 2 permitting – more requirements to meet in 2013
- Quail Run storm water facility
- Stormwater outfalls maintenance

DISCUSSION / RECOMMENDATION

1. Land use code to allow for low-impact development : GAP Analysis will help with guidelines to adopt.

STORMWATER CAPITAL

- Donkey Creek improvement project
- 38th Avenue culvert improvements
- WWTP Cross Culvert Replacement

DISCUSSION / RECOMMENDATION

1. Location of cross culvert, for cleaning purposes and flow diversion of creek.

Rob Karlinsey asked for Council direction on several community requests:

Peninsula School District for \$2500 to support of the KGHP Radio station.

DISCUSSION / RECOMMENDATION

1. Add to Budget.

Gig Harbor Wildwatch for \$2000 in support.

DISCUSSION / RECOMMENDATION

1. It brings people downtown

2. City hasn't done it for others
3. Phenomenal program with unique features
4. Cool, freaky stuff
5. NPDES Education component
6. Should the money be given to the parks department to enhance the concert series instead? Concert series already funded by sponsors
7. Add to 2012 Budget

Peacock Traffic Circle.

DISCUSSION / RECOMMENDATION

City Administrator to let citizen know the challenges and if they can be overcome, it would be brought forward in 2013.

There were no further comments; the worksession adjourned at 7:48 p.m.



Business of the City Council City of Gig Harbor, WA

Subject: Resolution To Allow for Purchases Through Cooperative Purchasing Agencies

Dept. Origin: Administration

Proposed Council Action: Adopt Resolution No. 884 Amending the City's Purchasing Procedures To Allow For Purchases Through Cooperative Purchasing Agencies and Repealing Resolution No. 797

Prepared by: Rob Karlinsey
City Administrator

For Agenda of: November 28, 2011

Exhibits: Resolution

Concurred by Mayor:

Initial & Date

CH 11/22/11

Approved by City Administrator:

RJK 11/21/11

Approved as to form by City Atty:

email

Approved by Finance Director:

11-22

Approved by Department Head:

Expenditure Required	\$0	Amount Budgeted	\$0	Appropriation Required	\$0
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INFORMATION/BACKGROUND

The purpose of this resolution is to allow for the City to utilize interlocal cooperative purchasing agencies like HGACBuy to purchase the playground equipment for Crescent Creek Playground. Section 5 on page 5 of the attached resolution is added to make this possible.

Pursuant to chapter 39.34 RCW, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through other local governments which have complied with state bidding requirements. This includes units of local government outside Washington state, such as HGACBuy, created by the Houston-Galveston Area Council, a regional council of governments authorized under Texas law.

FISCAL CONSIDERATION

N/A

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION/MOTION

Adopt Resolution No. 884 Amending the City's Purchasing Procedures To Allow For Purchases Through Cooperative Purchasing Agencies and Repealing Resolution No. 797.

RESOLUTION NO. 884

A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE CITY'S PURCHASING PROCEDURES TO ALLOW FOR PURCHASES THROUGH COOPERATIVE PURCHASING AGENCIES AND REPEALING RESOLUTION NO. 797

WHEREAS, on July 13, 2009, the City passed Resolution No. 797 which contains the City's procurement procedures for consultant selection, the small works roster, and the limited public works process; and

WHEREAS, in order to obtain competitive pricing for purchases of supplies, equipment and materials, the City desires the ability to utilize cooperative purchasing agencies which have conducted a public bid process consistent with Washington law;

WHEREAS, this Resolution adds a new Section 5 to the City's procurement procedures set forth in Resolution No. 797, which procedures will be carried forward unchanged in this Resolution;

NOW, THEREFORE, THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Resolution No. 797 is hereby repealed.

Section 2. Municipal Research and Services Center (MRSC) Rosters. As provided by contract between the City and MRSC, the City may use the MRSC rosters according to this Resolution. In addition, paper and/or electronic rosters may be kept on file by appropriate City departments. Nothing prevents the City from advertising for any small works roster project or consultant through this procedure without use of the MRSC procedure.

Section 3. Small Public Works Roster. The following small works roster procedures are established for use by the City pursuant to RCW 39.04.155:

1. **Cost.** The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alternation, repair, or improvement of real property where the estimated cost does not exceed Three Hundred Thousand Dollars (\$300,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the City may use the Small Public Works Roster procedures for public works projects as set forth herein.

The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

2. **Publication.** At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the general jurisdiction a notice of the existence of the roster or rosters. Responsible contractors shall be added to appropriate MRSC Roster(s) at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster.

3. **Telephone or Written Quotations.**

A. The City shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established. In addition, the City shall ensure that contracts are awarded to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) as follows:

(1) The bidder must, at the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW; and

(2) The bidder must have a current state unified business identifier number; and

(3) If applicable, the bidder must have industrial insurance coverage for the bidder's employees working in Washington as required by Title 51 RCW, an employment security department number as required in Title 50 RCW and a state excise tax registration number as required in Title 82 RCW; and

(4) The bidder must not be disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3).

The City may establish supplementary bidder criteria under RCW 39.04.350(2).

B. A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not to be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

C. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be

invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equally distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated cost of the work is from One Hundred Fifty Thousand Dollars (\$150,000) to Three Hundred Thousand Dollars (\$300,000), the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by:

- (1) publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
- (2) mailing a notice to these contractors; or
- (3) sending a notice to these contractors by facsimile or email.

D. At the time the bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.

E. A written record shall be made by the City representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

4. Limited Public Works Process.

A. If a work, construction, alteration, or improvement project is estimated to cost less than Thirty-five Thousand Dollars (\$35,000), the City may award such a contract using the limited public works process provided under RCW 39.04.155(3). Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process described above and in RCW 39.04.155(2) and are exempt from the requirement that contracts be awarded after advertisement as required by RCW 39.04.010.

B. For a limited public works project, the City will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.350 and subsection 3(A)

above. In making awards under this subsection 4, the City shall attempt to equitably distribute the opportunities for limited public works contracts among contractors willing to perform the work within the geographic area.

C. The City may use the limited public works process of this subsection 4 to solicit and award small works roster contracts to small businesses that are registered contractors. The City may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax return to submit bids or quotations on small works roster contracts.

D. For limited public works projects, the City may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

E. After an award is made, the quotations shall be open to public inspection and available by electronic request. The City shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

5. **Determining Lowest Responsible Bidder.** The City shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the governing body may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by Section 3(A) of this Resolution, and who meets any supplementary bidder responsibility criteria established by the City.

Section 4. Consulting Services Roster.

1. **Consulting Services.** Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

2. **Publication.** At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the City who can provide further details as to the City's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

3. **Professional Architectural and Engineering Services** The MRSC Rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the City's projected requirements for any category or type of professional or other consulting services. The City reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate City departments.

Section 5. Interlocal Cooperative Purchasing Agreements. Pursuant to chapter 39.34 RCW, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through other local governments which have complied with state bidding requirements. This includes units of local government outside Washington state, such as HGACBuy, created by the Houston-Galveston Area Council, a regional council of governments authorized under Texas law. The other government's bid process must have been conducted within the previous 24-month period to be valid for use by the City of Gig Harbor. In addition, the City must conduct a screening process whereby it can justify the purchase through an Interlocal Agreement. The screening process and results must be clearly documented in writing.

Section 6. Effective Date. This Resolution shall take effect upon passage.

PASSED by the City Council this 28th day of November, 2011.

APPROVED:

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

City Clerk, Molly M. Towslee

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

Angela S. Belbeck

FILED WITH THE CITY CLERK: 11/21/11
PASSED BY THE CITY COUNCIL: 11/28/11
RESOLUTION NO. 884

Subject: Memorandum of Understanding with the Harbor History Museum

Proposed Council Action: Approve the MOU between the Harbor History Museum and the City for the Donkey Creek Daylighting Project.

Dept. Origin: Administration

Prepared by: Lita Dawn Stanton *LD*
Special Projects

For Agenda of: November 28, 2011

Exhibits: MOU
Exhibit

Initial & Date

Concurred by Mayor: _____

Approved by City Administrator: *RJK*

Approved as to form by City Atty: *WA email*

Approved by Finance Director: _____

Expenditure Required	Amount Budgeted	Appropriation Required
n/a	n/a	n/a

INFORMATION / BACKGROUND

In November of 2006, an agreement between the Gig Harbor Peninsula Historical Society and the City of Gig Harbor was signed in order to acquire a conservation easement to daylight Donkey Creek and restore the estuary channel. In order to improve the design, reduce overall project construction costs and create better public access and connectivity between Donkey Creek Park, the Museum and Austin Estuary Park -- the Harbor History Museum and City staff met to develop a mutual understanding regarding the property boundaries, parking, landscaping and maintenance responsibilities. The attached Memorandum of Understanding represents those objectives. At a future date, City staff will bring forward a formal agreement to modify the Conservation Easement Area and adjust the terms of the original easement agreement.

FISCAL CONSIDERATION

At its November 17 meeting, the Public Works Operating & Public Projects Committee met with the History Museum representatives to discuss the terms of the MOU. The Committee concurred with the terms attached.

BOARD OR COMMITTEE RECOMMENDATION

n/a

RECOMMENDATION / MOTION

Move to: Approve the MOU between the Harbor History Museum and the City for the Donkey Creek Daylighting Project.



HARBOR HISTORY MUSEUM

A NEW PLACE IN TIME

November 9, 2011

MEMORANDUM OF UNDERSTANDING

On Wednesday, October 19, 2011, representatives of the following organizations met on site at the Harbor History Museum:

(1) City of Gig Harbor (COGH)

- Steve Misiurak
- Lita Dawn Stanton
- Jennifer Kester

(2) Harbor History Museum (HHM)

- Roger Bird
- Walt Smith
- Jack Sutton
- Frank Ruffo
- Wade Perrow – Wade Perrow Construction

(3) Parametrix (PMX)

- Jim Dugan
- Shannon Thompson
- Kenichi Nakano - Nakano Associates

The primary purpose of the meeting was to discuss and come to a mutually agreeable understanding regarding property, parking, landscaping and maintenance between the COGH and the HHM at the interface of the HHM property and the Donkey Creek estuary restoration development.

The overarching goal was to make HHM property available for enhanced Donkey Creek estuary improvements in exchange for a modified Binding Site Plan that mitigated the prior HHM Binding Site Plan site improvements.



HARBOR HISTORY MUSEUM

A NEW PLACE IN TIME

The primary categories discussed were the:

- (1) Estuary
- (2) Parking
- (3) Landscaping
- (4) Maintenance

The parties set forth their understanding as follows:

- (1) HHM will allow the Donkey Creek estuary western boundary to encroach onto HHM property (property between the HHM and the estuary) to enhance the estuary design and decrease to the maximum extent possible, the estuary eastern boundary retaining wall. As a result, 10 parking stalls previously intended to be located on the HHM property between the HHM and the Donkey Creek estuary need to be relocated.
- (2) The COGH will maximize the number of parking stalls on the HHM property as part of the Donkey Creek estuary design for a net zero reduction in stalls. The COGH and HHM will work together to finalize the location of not more than 10 parking stalls with a minimum width of 8 feet each. The Museum may desire stalls wider than 8 feet. The COGH and HHM will mutually agree on the final number, width and specific location of stalls as shown in the general location outlined in red in the attached signed drawing dated 11/3/11.
- (3) The COGH will be responsible for designing and planting all landscaping improvements shown on the permit documents. The types of ground cover and plantings identified in the plan to be located between the pathway and the Harbor History Museum area will be mutually agreed to between HHM and COGH.
- (4) The COGH will maintain the landscape improvements from the path to the water (estuary and the harbor), inclusive of the path itself.
- (5) The HHM will maintain landscape improvements between the path and the HHM.
- (6) The Binding Site Plan modification to the museum property will be completed and paid for by the COGH as the lead, in coordination with the HHM, upon project completion.



HARBOR HISTORY MUSEUM

A NEW PLACE IN TIME

- (7) Assuming that the Donkey Creek Fish Habitat Enhancement Streamlined Permitting is approved by the Washington Department of Fish and Wildlife, or that the Shoreline Substantial Development Permit is approved by the City of Gig Harbor, the COGH will release the existing landscape and shoreline bonds (Bond #6605041, Landscaping Performance Bond, dated December 5, 2008, and Bond #337128S, Shoreline Access Performance Bond, dated August 30, 2010) as part of the Donkey Creek permitting process. If the permits are denied, the City will work with the Museum in support of extending the two bonds.

- (8) All of the above is subject to City Council approval.

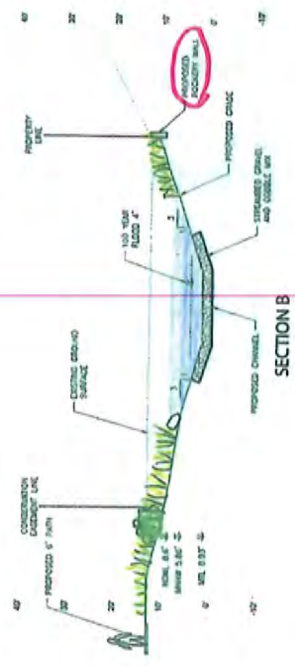
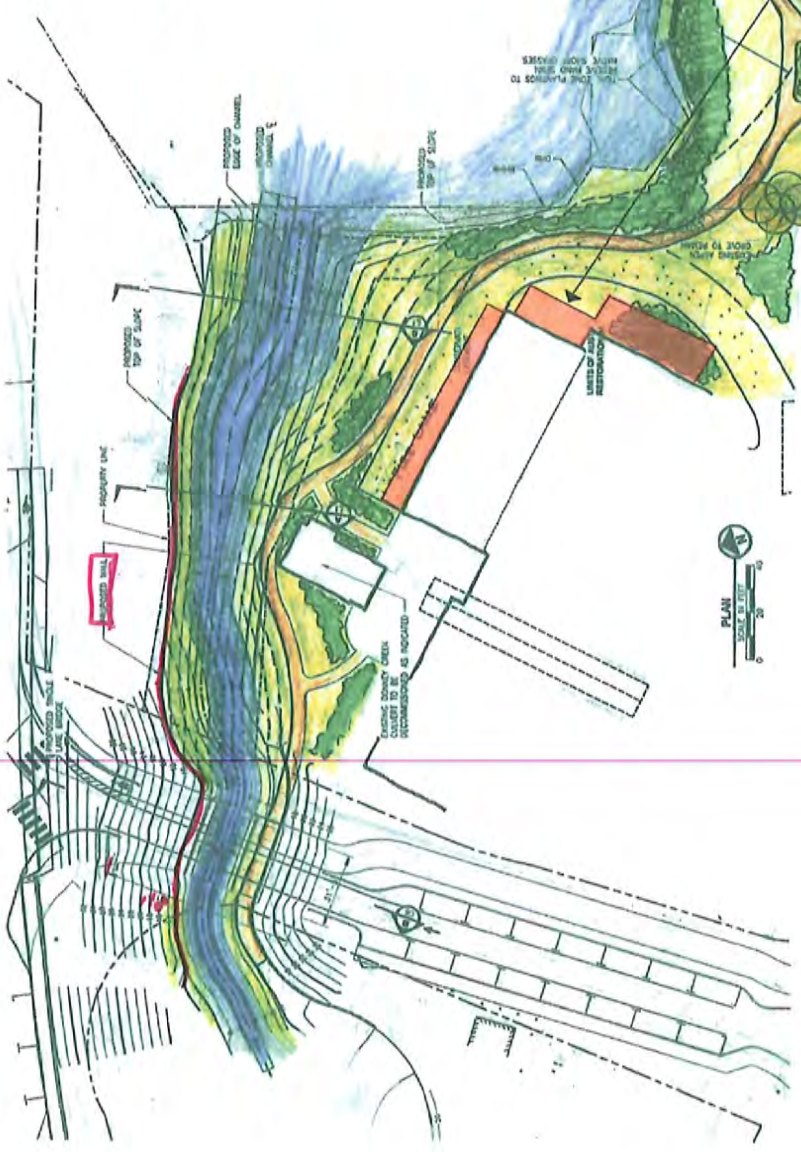
Sue Loiland
Harbor History Museum
Executive Director

Frank Ruffo
Harbor History Museum
Board President

Chuck Hunter
City of Gig Harbor Mayor

- #1 Need to retain same number of stalls as stated on old site plan
- #2 Blending Site Plan will be taken care of by City as the lead with help of HTH.
- #3 Improvements shown on updated site plan will be discussed by city as part of construction
- #4 Maintenance line will be across the whole way

10/19/11
 Mark
 J.R. Ruffe



The area in red represents the general parking stall locations per #2 of the MOU

10/10/11
 J.R. Ruffe
 signature
 date

DONKEY CREEK RESTORATION
 REFINED CONCEPT PLAN
 10-05-2011

Subject: ADDENDUM TO CITY
ATTORNEY AGREEMENT

Dept. Origin: Administration

Prepared by: Rob Karlinsey

For Agenda of: November 28, 2011

Exhibits: Addendum #3

Initial & Date

Proposed Council Action:

Authorize the Mayor to execute Addendum No. 3 for legal services with Ogden Murphy Wallace.

Concurred by Mayor: _____

Approved by City Administrator: RJK 11/22/11

Approved as to form by City Atty: _____

Approved by Finance Director: R 11/22/11

Approved by Department Head: _____

Expenditure	Amount	Appropriation
Required (2012): Approx. \$240,000	Budgeted \$260,000	Required \$0

The City contracts with the law firm Ogden Murphy Wallace (OMW) for City Attorney services. For 2012, OMW is requesting an increase in its hourly rates as follows:

	<u>2011</u>	<u>2012</u>	<u>% Increase</u>
Basic Services*:	\$192	\$198	3.12%
Additional Services*:			
Firm Members:	\$228	\$235	3.07%
Associates:	\$192	\$198	3.12%
Law Clerks	\$120	\$124	3.33%
Paralegals	\$90	\$93	3.33%

*Basic Services and Additional Services are defined in the attached addendum. These definitions are unchanged from the current contract.

OMW is requesting these hourly rate increases to keep pace with inflation, based on a CPI (STB CPI-U, June to June, ending June 2011. <http://www.bls.gov/ro9/9250.pdf>) increase of 3.2%.

Based on a previous AWC survey for City Attorney rates, OMW's proposal appears to be not out of line with other comparable cities. OMW is proposing similar increases for its other municipal clients.

The proposed increase in hourly rates in the attached addendum will become effective on January 1, 2012.

Staff recommends approval of the proposed rate increases. Staff has been very satisfied with the services provided by the City Attorney and her colleagues at OMW. Furthermore, the City's legal costs appear to be down compared to prior years.

FISCAL CONSIDERATION

Sufficient funds are allocated in the 2012 budget.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Authorize the Mayor to execute Addendum No. 3 for legal services with Ogden Murphy Wallace.

**ADDENDUM NO. 3
TO
AGREEMENT FOR LEGAL SERVICES**

THIS ADDENDUM NO. 3 modifies that certain Agreement for Legal Services dated January 7, 2009 (the "Agreement") entered into between the CITY OF GIG HARBOR, a municipal corporation of the State of Washington (the "City"), and the law firm of OGDEN MURPHY WALLACE, P.L.L.C. ("OMW").

WHEREAS, the City and OMW entered into the Agreement in order to provide for the terms associated with OMW's provision of legal services to the City; and

WHEREAS, Section A of the Agreement establishes the rates that OMW charges to provide those legal services; and

WHEREAS, Section E of the Agreement provides that OMW may propose an increase in hourly rates no more than once each year to become effective on January 1, by amendment to this Agreement;

NOW, THEREFORE, for and in consideration of the terms and conditions set forth below, the parties agree as follows:

1. Amendment to Section A - Rates and Services. Section A of the Agreement is amended to read as follows:

A. Rates and Services. OMW will serve as the City Attorney for the City, performing the duties and functions of the office as defined by Title 35A RCW and the ordinance of the City.

1. Basic Services. OMW will provide basic services set out in this section at the rate of \$198 an hour ("Basic Service Fee"). The Basic Service Fee would apply to up to ninety (90) hours per month for the following services:

- a. Preparation for and attendance at two monthly regular meetings of the City Council, additional Council meetings, meetings of the Planning Commission or other boards and commissions as requested by the City.
- b. Routine consultation with City staff or officials as requested by the City for items not included as Additional Services below, preparation and legal research required in connection with such duties, and the drafting of ordinances, resolutions and legal memoranda.

- c. Review, consultation, revision and approval of public works contracts, professional services agreements, and interlocal agreements.
- d. With the exception of condemnation proceedings, preparation and review of documents and agreements, as well as consultation in real estate matters, including but not limited to the acquisition or disposition of easements, rights-of-way, or other personal property and real property interests.
- e. Legal services rendered in connection with annexation proceedings up to the Boundary Review Board level.
- f. Legal services rendered in connection with code enforcement up to the Hearing Examiner or superior court level.
- g. Legal services rendered in connection with personnel matters, except labor arbitrations and negotiations.
- h. All transit time, including transportation to and from required meetings, etc., incurred in furtherance of the above tasks (but not including transit time on regular City Council meeting days and for one additional day of City Hall office hours per month, for which there will be no cost to the City).

2. Additional Services. OMW will provide additional services set out in this section at the following rates (“Additional Services Fee”):

Firm Members:	\$235 per hour
Associates:	\$198 per hour
Law Clerks:	\$124 per hour
Paralegals:	\$ 93 per hour

The Additional Services include:

- a. All services rendered in connection with any actual litigation, arbitration, mediation, labor negotiations, administrative hearings (including but not limited to the Growth Management Hearings Board, Shorelines Hearings Board, Pollution Control Hearings Board, Boundary Review Board) and/or enforcement proceedings wherein the City, one of its boards, or one of its officials is or likely will be a party.
- b. All services rendered in connection with real property condemnation.
- c. All services rendered in connection with taxation issues, local improvement districts, assessments, bond issues and other matters where a special counsel has been or normally is retained. Such legal services, when requested to be

performed by our office, will generally not substitute for but may supplement the services rendered by bond counsel.

- d. All services relating to work reimbursed by developers, including but not limited to reimbursable review relating to project permit applications and development agreements.
- e. All services that exceed the 90-hour Basic Services cap.
- f. All transit time, including transportation to and from required meetings, court appearances, etc., incurred in furtherance of the above Additional Services tasks.

If other firm attorneys are to be involved in litigation and specialty work not listed in subsections A(2)(a)-(f), billing rates will be agreed upon prior to the commencement of their services. OMW acknowledges the City utilizes separate bond counsel and special counsel for personnel matters and for environmental and hazardous waste matters.

3. Reimbursable Expenses. Document reproduction charges, computer-aided legal research charges, delivery fees, filing charges and other external expenses will be billed and reimbursed to the City at cost with no mark up. Transit time will be billed and reimbursed at the applicable hourly rate above. The City would not be separately invoiced for mileage reimbursement, long-distance telephone calls or facsimile transmissions.

2. Other Terms. Except as expressly modified by this Addendum No. 1, all terms and conditions of the Agreement shall remain in full force and effect.

CITY OF GIG HARBOR

OGDEN MURPHY WALLACE, P.L.L.C.

Charles L. Hunter, Mayor
Date: _____

Angela S. Belbeck, Member
Date: _____

ATTEST/AUTHENTICATED:

Molly Towslee, City Clerk

Subject: Second reading - 2012 budget ordinance

Proposed Council Action: Adopt ordinance after the second reading

Dept. Origin: Finance

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 28, 2011

Exhibits: Ordinance

Initial & Date

Concurred by Mayor:

CLH 11/16/11

Approved by City Administrator

PSK

Approved as to form by City Atty:

by e-mail

Approved by Finance Director:

DR 11.15.2011

Approved by Department Head:

Expenditure	Amount	Appropriation
Required \$55,629,547	Budgeted 0	Required \$55,629,547

INFORMATION / BACKGROUND

The total city budget, which includes all funds, is \$55,629,547. Total budgeted revenues for 2012 are \$29.2 million, budgeted beginning fund balances total \$16.1 million and interfund transfers are \$10.4 million. Total budgeted expenditures for 2012 are \$35.9 million, interfund transfers are \$10.4 million and budgeted ending fund balances total \$9.5 million.

The General Fund accounts for 23 percent of total expenditures, while Special Revenue (Street, Street Capital, Drug Investigation (state and federal), Hotel - Motel, Public Art Capital Projects, Park Development, Civic Center Debt Reserve, Strategic Reserve, Equipment Replacement Reserve, General Government Capital Development, General Government Capital Improvement, Impact Fee Trust, Hospital Benefit Zone Revenue and Lighthouse Maintenance) and Enterprise Funds (Water, Sewer and Storm) are 39 percent and 35 percent of total expenditures. General government debt service funds are three percent of 2012 budgeted expenditures.

FISCAL CONSIDERATION

Total budgeted uses and resources for 2012 are \$55,629,547. This is a \$15,156,454 increase from the 2011 budget.

The increase is largely explained by increases in capital outlays (\$8.7 million), interfund transfers (\$4.7 million) and professional services (\$2.4 million) over 2011.

The 2012 budget proposes the following staffing changes:

- Increase the Information Systems Assistant from a 0.55 FTE to 0.75FTE (hours per week)
- Continue employment of a full-time, temporary Building Inspector for 2012
- Increase the Senior Engineer from a 0.55 FTE to 1.0 FTE for 2012
- Hire a temporary (contract) Senior Project Engineer and a 0.55 FTE administrative support position
- Hire three temporary summer workers

Changes from the 2012 Preliminary are:

- With Pierce County Proposition 1 passing, the Police Department will not need to purchase radios; therefore the budget is reduced by \$140,000.
- A \$648,000 transfer originally directly from Civic Center Debt Reserve fund to Park Development fund, was re-routed through the Strategic Reserve Fund in order to place repayment expectations on the transfer.
- The project listed in the Public Art Capital Projects fund listed at \$69,000 was reduced to \$44,000.

RECOMMENDATION / MOTION

Move to: Adopt ordinance after a second reading.

**CITY OF GIG HARBOR
ORDINANCE NO.**

**AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF
GIG HARBOR, WASHINGTON, FOR THE 2012 FISCAL YEAR.**

WHEREAS, the Mayor of the City of Gig Harbor, Washington completed and placed on file with the city clerk a proposed budget and estimate of the amount of the monies required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 2012 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 14 and November 28, 2011 at 5:30 p.m., in the Council Chambers in the Civic Center for the purpose of making and adopting a budget for 2012 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the City Council did meet at the established time and place and did consider the matter of the 2012 proposed budget; and

WHEREAS, major tax revenues have declined in recent years, while unit costs and the need for capital projects have gone up; and

WHEREAS, the 2012 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 2012 and being sufficient to meet the various needs of Gig Harbor during 2012;

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. The budget for the City of Gig Harbor, Washington, for the year 2012 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning fund balances, for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 2012 are set forth in summary form below, and are hereby appropriated for expenditure during the year 2012 as set forth in the following:

2012 BUDGET APPROPRIATIONS

FUND / DEPARTMENT		AMOUNT
001	GENERAL GOVERNMENT	
01	Non-Departmental	\$4,375,956
02	Legislative	29,950
03	Municipal Court	352,900
04	Administrative / Financial / Legal	1,459,150
06	Police	2,863,560
14,15,16	Planning / Building / Public Works/Parks/Buildings	2,328,720
19	Ending Fund Balance	1,402,993
TOTAL GENERAL FUND - 001		\$12,813,229
101	STREET OPERATING	3,368,923
102	STREET CAPITAL	5,464,803
105	DRUG INVESTIGATION STATE	10,245
106	DRUG INVESTIGATION FEDERAL	32,430
107	HOTEL / MOTEL FUND	366,205
108	PUBLIC ART CAPITAL PROJECTS	136,192
109	PARK DEVELOPMENT FUND	3,037,881
110	CIVIC CENTER DEBT RESERVE	3,633,634
111	STRATEGIC RESERVE	1,008,504
112	EQUIPMENT REPLACEMENT RESERVE	100,190
208	LTGO BOND REDEMPTION	1,414,641
209	2000 NOTE REDEMPTION	39,270
210	LID 99-1 GUARANTY	97,204
211	UTGO BOND REDEMPTION	413,522
301	CAPITAL DEVELOPMENT FUND	378,564
305	GENERAL GOVT. CAPITAL IMPROVEMENT	330,078
309	IMPACT TRUST FEE	706,116
310	HOSPITAL BENEFIT ZONE REVENUE	3,000,570
401	WATER OPERATING	2,040,763
402	SEWER OPERATING	4,161,349
407	UTILITY RESERVE	1,358,052
408	UTILITY BOND REDEMPTION FUND	2,022,800
410	SEWER CAPITAL CONSTRUCTION	4,416,561
411	STORM SEWER OPERATING	917,386
412	STORM SEWER CAPITAL	2,493,157
420	WATER CAPITAL ASSETS	1,865,364
605	LIGHTHOUSE MAINTENANCE TRUST	\$ 1,914
TOTAL ALL FUNDS		\$55,629,547

Section 3. Attachment "A" is adopted as the 2012 personnel salary schedule for Gig Harbor police sergeants and police officers. For all other employees, the 2011 salary schedule currently in effect is approved for 2012.

Section 4. Due to budget constraints, the city does not authorize funding for "top step" bonuses for city employees in 2012.

Section 5. The city clerk is directed to transmit a certified copy of the 2012 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

Section 6. This ordinance shall be in force and take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this ___th day of November, 2011.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
ANGELA S. BELBECK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: _____

Attachment A

POSITION	2012 RANGE	
	Minimum	Maximum
Police Sergeant	6,437	7,366
Police Officer	4,685	5,856

Subject: Second reading of ordinance amending the 2011 budget

Dept. Origin: Finance

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 28, 2011

Proposed Council Action:
Adopt ordinance amending the 2011 budget

Exhibits: Ordinance

Concurred by Mayor:

Approved by City Administrator

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

Initial & Date

CLH 11/16/11

Rdk

e-mail

11-15-2011

Expenditure	Amount	Appropriation
Required	Budgeted 0	Required
See below		See below

INFORMATION / BACKGROUND

As the 2011 fiscal year closes, it is evident that one general fund department and two funds will require a budget amendment prior to year-end.

The recommended amendment to the 2011 general fund budget is as follows:

	Original Budget	Amended Budget	Increase/ (Decrease)
Non-departmental	\$3,166,427	\$3,250,000	\$83,573
Ending Fund Balance	\$1,848,330	\$1,764,757	(\$83,573)

The recommended budget amendments to the 2011 Street Operating and Street Capital funds are as follows:

Fund	Original Budget	Amended Budget	Increase/ (Decrease)
Street Operating	\$1,593,266	\$1,623,707	\$ 30,441
Street Capital	\$ 911,556	\$2,006,269	\$1,094,713

The amendment to the General fund is the result of additional funding required by the Street Capital fund. The 2011 actual beginning fund balance of the Street Capital fund fell short of budget by nearly \$420,000. This occurred because 2010 year-end street project expenditures were greater than estimated in the 2011 budget.

The amendment to the Street Operating fund is due solely to repairs resulting from accident-caused damage to city property. Through October, insurance recoveries were nearly \$60,000.

The 2011 budget for the street Capital fund did not include funds for receipt of CERB grant retainage; nor did it include revenues for estimated SEPA-related mitigation payments in 2011 received from Quadrant Homes. The city received final payout on the CERB grant in the amount of \$500,000; and through November 8, 2011 the city received \$366,602.75 in SEPA mitigation fees from Quadrant Homes. In addition, the City sent a final bill to Quadrant Homes in the amount of \$383,751.80 on November 8, 2011.

In order to establish budgetary authority for the City to remit the funds, which are due Franciscan Health System (FHS), the 2011 budget requires amendment as noted above.

FISCAL CONSIDERATION

The city paid FHS \$1,031,147.30 through November 14, 2011. This consists of SEPA fees paid by Quadrant Homes totaling \$637,570 and CERB grant funds totaling \$393,577.30. The City held in reserve approximately \$224,000 in estimated Quadrant SEPA payments in the 2011 budget.

RECOMMENDATION / MOTION

Move to: Approve the ordinance amending the 2011 Budget after a public hearing and a second reading.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE 2011 GENERAL FUND NON-DEPARTMENTAL BUDGET; AND AMENDING THE 2011 BUDGETS FOR THE STREET OPERATING AND STREET CAPITAL FUNDS

WHEREAS, an adjustment to the 2011 annual appropriation of the General fund Non-Departmental budget is necessary to conduct city business; and

WHEREAS, adjustments to the 2011 annual appropriations of the Street Operating and Street Capital funds are necessary to conduct city business; and

WHEREAS, total General fund expenditures for 2011 are forecast to come in \$176,000 below budget; and

WHEREAS, the City had to transfer \$200,000 to the Street Capital fund in order to provide adequate funds for project settlement costs to Franciscan Health Systems related to the Canterwood Interchange Interim Improvements; and

WHEREAS, unbudgeted SEPA mitigation fees totaling \$367,000 and related to the Canterwood Boulevard Interchange Interim Improvements were receipted into the Street Capital fund; and

WHEREAS, final reimbursement for the CERB grant, which was not budgeted in 2011, in the amount of \$500,000 was receipted into the Street Capital fund; and

WHEREAS, the \$200,000 transfer from the General fund to the street Capital fund was not included in the 2011 budget for either of these funds; and

WHEREAS, the City's Street Operating fund received unanticipated and unbudgeted revenues in the amount of \$59,587 from insurance proceeds and these proceeds were used for repairs that were not included in the 2011 budget; and

WHEREAS, the Gig Harbor City Council held a public hearing to consider the budget amendments on November, 28, 2011; NOW, THEREFORE,

THE GIG HARBOR CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The 2011 Budget shall be amended as follows:

Fund/Department	Original Appropriation	Amended Appropriation
001-General/Non-departmental	\$3,166,427	\$3,250,000
001-Ending Fund Balance	\$1,848,330	\$1,764,757

101-Street Operating	\$1,593,266	\$1,623,707
102 Street Capital	\$ 911,556	\$2,006,269

Section 2. The Gig Harbor City Council finds that it is in the best interests of the City to increase appropriations as shown above, and directs the Finance Director to amend the budget as shown above.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this ____ day of _____, 2011.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
ANGELA S. BELBECK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: _____

Subject: Public Hearing and First Reading of Ordinance – Performance-based Height Exceptions for Private Schools (PL-ZONE-11-0005)

Proposed Council Action: Hold public hearing and review ordinance

Dept. Origin: Planning

Prepared by: Jennifer Kester, Senior Planner *JK*

For Agenda of: November 28, 2011

Exhibits: Draft Ordinance, Application, Planning Commission Recommendation and Meeting Minutes

Initial & Date

Concurred by Mayor: CLH 11/21/11
Approved by City Administrator: RJK
Approved as to form by City Atty: by email
Approved by Finance Director: N/A
Approved by Department Head: TD 11/18/11

Expenditure Required	N/A	Amount Budgeted	N/A	Appropriation Required	N/A
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INFORMATION / BACKGROUND

Application:

St. Nicholas Church and School has requested a zoning code text amendment to include private primary and secondary schools in the uses eligible for performance-based height exceptions for gymnasiums and performing arts related facilities. If approved, gymnasiums and performing arts centers for private schools would be able to exceed the underlying building height limit to achieve effective performance and operation. Prior to a school being allowed to exceed the height limit a public hearing would be held and the school would have to show that certain criteria have been met. Public schools are currently allowed such performance-based height exceptions. The requirement for schools to be in the PI district to be eligible for such height exception would no longer be required if this amendment is approved.

Background:

The performance-based height exceptions and exemption provisions of Chapter 17.67 were adopted in January 2004 and amended in 2005 and 2006. These provisions pertain to public utility structures such as water tanks and transmission line towers, as well as to fire training towers, athletic field lighting and public schools in the PI district. These types of structures can require heights that exceed underlying height limits to ensure their effective operation.

In regards to the 2005 amendment which added public schools in the PI district, this amendment was processed at the request of the Peninsula School district, so in part it was limited to their facilities. In addition, at that time, the City did not have any definition for schools. Instead, the City classified schools owned and operated by the Peninsula School

District as “public facilities”. The ordinance adopting the amendment does not include any specific language as why private schools were not included in the amendment. One whereas statement might speak to the reason that the PI district is the only zone where schools are allowed to exceed height:

WHEREAS, the City has adopted a PI (Public Institution) district to both accommodate and contain the impacts of schools and other essential public facilities in areas outside of residential districts; and (ORD 988)

Planning Commission Review:

The Planning Commission held a work study session on this amendment on October 20th, 2011. A public hearing was held on November 3rd, 2011. On November 3rd, 2011, the Planning Commission recommended approval of the amendment on a vote of 4 for and 1 abstention. In addition, the Planning Commission recommended minor changes to the definitions of primary school and secondary school. A copy of the Planning Commission recommendation with findings of fact has been included in the packet.

APPLICABLE CODES AND POLICIES:

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. The general criteria for approval of a zoning text amendment are whether the proposed amendment furthers the public health, safety and welfare, and whether the proposed amendment is consistent with the Gig Harbor Municipal Code, the Comprehensive Plan and the Growth Management Act (chapter 36.70A RCW). Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003). The Planning Commission is required to hold a public hearing and make recommendation to the City Council on such amendments (GHMC 19.01.005).

A. Gig Harbor Municipal Code:

Performance-based height exceptions: The performance-based height exceptions and height exemptions chapter (GHMC 17.67) is intended “*to identify those structures and uses for which standard height limits are not appropriate and to provide review procedures and criteria for those special situations where the height restrictions of this title may be relaxed. Performance-based height exceptions are intended to allow structures that require height in excess of height limits for effective performance and operation. Performance-based height exceptions are not intended to be used as a means of circumventing individually inconvenient height restrictions.*”

Currently, public school facilities in the PI (public institution) district can be granted performance-based height exceptions if the following criteria are met (GHMC 17.67.075).

A. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use and to meet the requirements of the design manual; and*

B. Increased height in no wise exceeds:

1. Forty-five feet above natural grade as measured under the provisions of GHMC 17.99.370(D); and

2. Fifty-six feet above natural grade at the lowest point of the building footprint.

C. *Visual impacts beyond the site and within environmentally sensitive areas have been minimized by measures such as, but not limited to:*

1. *Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;*
2. *Avoidance, to the extent possible, of light trespass onto adjacent properties;*
3. *Within the height restriction area, avoidance, to the extent possible, of obstruction of existing views from adjacent properties through sensitive location of new structures on the site.*

** Increased height shall not be approved beyond what is minimally needed for functional purposes except as required to meet basic design manual requirements or to achieve, as recommended by the design review board, design continuity or otherwise address zone transition considerations under GHMC 17.99.200.*

Definitions: In 2006, the City adopted the following definitions for K-12 schools:

17.04.717 School, primary.

"Primary school" means a public or private Washington State accredited K – 8 school, including accessory playgrounds and athletic fields.

17.04.718 School, secondary.

"Secondary school" means a public or private Washington State accredited 9 – 12 school, including athletic fields.

Building Height: The Gig Harbor Municipal Code regulates building and structure height by zone and by area. The maximum height of a building or structure can range from 16 feet in the Height Restriction Area to the allowed limits of the city building and fire codes in the PCD-C and PCD-BP zones. The majority of zones restrict structures to a maximum height of 35 feet.

Design Manual: Structure and building height is regulated in many ways within the Gig Harbor Design Manual.

1. In the Height Restriction Area each lot is allowed a building height of up to 16 feet; provided, that no portion of the structure exceeds 27 feet above natural and finished grade. (GHMC 17.99.370(D)(1)).
2. Buildings or structures on parcels where two zoning designation meet are limited in height to the average height of adjacent buildings in the opposing zones. (GHMC 17.99.190(B))
3. No more than 10% of the building footprint area of designated primary structures may increase the underlying height limit by as much as 8 feet. This provision does not apply to the height restriction area (view basin). (GHMC 17.99.390(A)(3)).

FISCAL CONSIDERATION

None

SEPA DETERMINATION

The SEPA Responsible Official will issue a Determination of Non-Significance (DNS) on November 2, 2011 for this non-project GMA action as per WAC 197-11-340(2).

BOARD OR COMMITTEE RECOMMENDATION

On November 3rd, 2011, the Planning Commission recommended approval of the amendment on a vote of 4 for and 1 abstention.

RECOMMENDATION / MOTION

Hold public hearing and review ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PERFORMANCE-BASED HEIGHT EXCEPTIONS; ALLOWING GYMNASIUMS AND PERFORMING ARTS RELATED FACILITIES IN PRIVATE PRIMARY AND SECONDARY SCHOOLS TO BE ELIGIBLE FOR PERFORMANCE-BASED HEIGHT EXCEPTIONS; REMOVING THE REQUIREMENT FOR SCHOOLS TO BE IN THE PI ZONING DISTRICT TO BE ELIGIBLE FOR PERFORMANCE-BASED HEIGHT EXCEPTIONS; AMENDING THE DEFINITIONS OF PRIMARY AND SECONDARY SCHOOL TO REQUIRE APPROVAL BY THE STATE OF WASHINGTON RATHER THAN ACCREDITATION BY THE STATE OF WASHINGTON; AMENDING SECTIONS 17.04.717, 17.04.718, 17.67.020 AND 17.67.075 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 2004, the City of Gig Harbor adopted under Chapter 17.67 GHMC provisions that allow performance-based height exceptions for certain structures that may require heights exceeding underlying height limits for their effective and efficient operation, such as water tanks and transmission line towers, fire training towers and athletic field lighting; and

WHEREAS, in 2005, the City of Gig Harbor amended Chapter 17.67 GHMC to add gymnasiums and performing arts related facilities in public schools in the PI zoning district to the uses eligible for performance-based height exceptions; and

WHEREAS, on June 21, 2011, St. Nicholas Church and School requested a zoning code text amendment to include gymnasiums and performing arts related facilities in private primary and secondary schools outside of the PI zoning district in the uses eligible for performance-based height exceptions; and

WHEREAS, The Washington State Office of Superintendent of Public Instruction and State Board of Education approves private schools; and

WHEREAS, State statutes and regulations require private schools to conduct a program consisting of kindergarten and at least grade one or any of all grades one through 12 and meet minimum standards of health, safety, and education. Every spring private schools must submit a "state standards certificate of compliance" form to retain approval from Washington State; and

WHEREAS, currently there are four approved private schools in the Peninsula School District boundaries: St. Nicholas School, Harbor Christian Schools, Harbor Montessori, and Lighthouse Christian Schools; and

WHEREAS, the proposed amendment is consistent with the intent of the performance-based height exception chapter because all schools, whether public or private, could have gymnasiums or performing arts related facilities that may require heights exceeding underlying height limits for their effective and efficient operation; and

WHEREAS, the proposed amendment will allow consideration of school needs while also providing an opportunity for public review and comment; and

WHEREAS, due to required approval of private schools by the State, only a few private schools in the area would be eligible for performance-based height exceptions; and

WHEREAS, the Council desires to amend the definitions of primary schools and secondary schools to require them to be "approved" by Washington State rather than "accredited," as accreditation is optional in the State of Washington, but approval is required; and

WHEREAS, the proposed text amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on October 10, 2011, pursuant to RCW 36.70A.106, and were granted expedited review on November 1, 2011; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for this Ordinance on November 2, 2011; and

WHEREAS, the Planning Commission held a work study session on the text amendments on October 20, 2011; and

WHEREAS, the Planning Commission held a public hearing on the text amendments on November 3, 2011 and after the public hearing recommended approval of the text amendments; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on _____; and

WHEREAS, on _____, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.04.717 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.717 School, primary.

“Primary school” means a public or private Washington State accredited approved K – 8 school, including accessory playgrounds and athletic fields.

Section 2. Section 17.04.718 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.718 School, secondary.

“Secondary school” means a public or private Washington State accredited approved 9 – 12 school, including athletic fields.

Section 3. Section 17.67.020 in the Performance-Based Height Exceptions and Height Exemptions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.67.020 Applicability – Performance-based height exceptions.

A. Approvals of performance-based height exceptions may be given to only the following structures:

- 1. Elevated reservoirs, water tanks or standpipes under the jurisdiction of the city or another water district;
- 2. Transmission line towers;
- 3. Fire training towers;
- 4. Athletic field lighting;
- 5. Gymnasiums and performing arts-related facilities for primary and secondary schools in a public institutional (PI) district that are approved by the superintendent of public instruction;
- 6. Museums.

B. Performance-based height exceptions are prohibited for the following:

- 1. Communications facilities regulated by Chapter 17.61 GHMC;
- 2. All new structures on parcels identified as prominent on the city of Gig Harbor visually sensitive areas map;
- 3. All new structures within the view sheds of a significant vista, as identified on the city of Gig Harbor visually sensitive areas map.

Section 4. Section 17.67.075 in the Performance-Based Height Exceptions and Height Exemptions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.67.075 Special review criteria for school facilities in the ~~PI (public institution) district.~~

Because primary and secondary schools in the PI (public institution) district may have different visual impacts than other smaller-scale

structures listed under GHMC 17.67.020, the applicant shall demonstrate that the following criteria for approval have been satisfied, instead of the criteria listed under GHMC 17.67.060 or 17.67.076:

A. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use and to meet the requirements of the design manual*; and

B. Increased height in no wise exceeds:

1. Forty-five feet above natural grade as measured under the provisions of GHMC 17.99.370(D); and

2. Fifty-six feet above natural grade at the lowest point of the building footprint.

C. Visual impacts beyond the site and within environmentally sensitive areas have been minimized by measures such as, but not limited to:

1. Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;

2. Avoidance, to the extent possible, of light trespass onto adjacent properties;

3. Within the height restriction area, avoidance, to the extent possible, of obstruction of existing views from adjacent properties through sensitive location of new structures on the site. (Ord. 1033 § 3, 2006; Ord. 988 § 5, 2005).

* Increased height shall not be approved beyond what is minimally needed for functional purposes except as required to meet basic design manual requirements or to achieve, as recommended by the design review board, design continuity or otherwise address zone transition considerations under GHMC 17.99.200.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ____ day of _____, 2011.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

CITY OF GIG HARBOR
APPLICATION

CITY USE ONLY

- Zoning Code Text Amendment
- Area-Wide Zoning Map Amendment

Date Received: ZONE - 11-0005
 By: _____
 Receipt # 3,550.00 By: _____

Name of project / proposal: St. Nicholas

Applicant:
Don Evans, Parish Adm.
(Name) 252-851-8850
3510 Rosebale St. NW
Street Address Phone
Gig Harbor, WA 98335
City & State Zip

Property Location (for map amendment):
 Address: _____
 Section: _____ Township: _____ Range: _____

Owner:
Archdiocese of Seattle
(Name)
910 Marion St.
Street Address Phone
Seattle, WA 98104-1299
City & State Zip

Assessor's Tax Parcel Number: _____

Full Legal Description (attach separate sheet if too long)

RECEIVED
 CITY OF GIG HARBOR
 JUN 21 2011
 COMMUNITY
 DEVELOPMENT

Acreage or Parcel Size _____

I/We:
Don Evans, Parish Adm.
(Name)
[Signature] 6/21/11
Signature Date

Utilities:

1. Water Supply (Name of Utility if applicable)
 - a. Existing: _____
 - b. Proposed: _____
2. Sewage Disposal: (Name of Utility if applicable)
 - a. Existing: _____
 - b. Proposed: _____
3. Access: (name of road or street from which access is or will be gained.) _____

I do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the herein described property and that the foregoing statements and answers are in all respects true and correct on my information and belief as to those matters, I believe it to be true.

For Map Amendments:

Current Zoning District: _____

Requested Zoning District: _____

Existing land use: Describe (or illustrate separately) existing land use, including location of all existing structures and setbacks (in feet) from property lines.

Don Evans
3510 Rosedale St. NW
Gig Harbor, Washington 98335
253-851-8850

City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

June 21, 2011

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JUN 21 2011
COMMUNITY
DEVELOPMENT

To whom It may concern:

St. Nicholas Catholic Church and School requests the attached amendment to the Gig Harbor Municipal Code and specifically to GHMC 17.67.020 (5) and 17.67.075 Performance-Based Height Exceptions and Height Exemptions.

GHMC 17.67.020 permits approvals of performance-based height exceptions to school gymnasiums, but limits those gymnasiums to public schools:

17.67.020 Applicability – Performance-based height exceptions.

A. Approvals of performance-based height exceptions may be given to only the following structures:

....

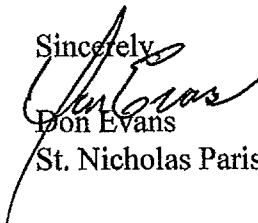
- 5. Gymnasiums and performing arts-related facilities for schools in a public institutional (PI) district that are approved by the superintendent of public instruction;**

Because St. Nicholas is a private, Catholic school, it would appear that subsection five of the performance-based height would not apply to St. Nicholas. We understand that subsection five was originally proposed by the Peninsula School District and particularly related to the construction of Harbor Heights Elementary School. We also understand that the City wants to limit such exceptions.

While we appreciate the City's intent to limit the exception, we believe the present limitation is unnecessarily restrictive and ask that it be evenly applied to all primary and secondary schools, including St. Nicholas. After speaking with City planning staff, we believe the attached legislative proposal offers a simple way in which this can be achieved.

Thank you in advance for your consideration of this matter.

Sincerely,



Don Evans

St. Nicholas Parish Administrator

Chapter 17.67
PERFORMANCE-BASED HEIGHT EXCEPTIONS AND HEIGHT EXEMPTIONS
Sections:

- 17.67.010 Intent.
- 17.67.020 Applicability – Performance-based height exceptions.
- 17.67.030 Applicability – Height exemptions.
- 17.67.040 Complete application.
- 17.67.050 Permit type.
- 17.67.060 Review criteria.
- 17.67.070 Special review criteria for athletic field lighting.
- 17.67.075 Special review criteria for school facilities in the PI (public institution) district.
- 17.67.076 Special review criteria for museums.
- 17.67.080 Duration of approval and expiration.

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CITY OF GIG HARBOR
JUN 21 2011
COMMUNITY
DEVELOPMENT

17.67.010 Intent.
This chapter is intended to identify those structures and uses for which standard height limits are not appropriate and to provide review procedures and criteria for those special situations where the height restrictions of this title may be relaxed. Performance-based height exceptions are intended to allow structures that require height in excess of height limits for effective performance and operation. Performance-based height exceptions are not intended to be used as a means of circumventing individually inconvenient height restrictions. (Ord. 988 § 1, 2005; Ord. 950 § 1, 2004).

17.67.020 Applicability – Performance-based height exceptions.
A. Approvals of performance-based height exceptions may be given to only the following structures:

- 1. Elevated reservoirs, water tanks or standpipes under the jurisdiction of the city or another water district;
- 2. Transmission line towers;
- 3. Fire training towers;

4. Athletic field lighting;

5. Gymnasiums and performing arts-related facilities for primary and secondary schools in a public institutional (PI) district that are approved by the superintendent of public instruction;

6. Museums.

B. Performance-based height exceptions are prohibited for the following:

1. Communications facilities regulated by Chapter 17.61 GHMC;

2. All new structures on parcels identified as prominent on the city of Gig Harbor visually sensitive areas map;

3. All new structures within the view sheds of a significant vista, as identified on the city of Gig Harbor visually sensitive areas map. (Ord. 1033 § 1, 2006; Ord. 988 § 2, 2005; Ord. 950 § 1, 2004).

17.67.030 Applicability – Height exemptions.

The following structures are exempt from the height restrictions of this title:

A. Traffic lights and signals;

B. Light standards installed on street rights-of-way;

C. Flagpoles that display flags of a political subdivision;

D. Height exemptions are prohibited for communications facilities designed to look like any of the above, which are regulated under Chapter 17.61 GHMC, Communication Facilities. (Ord. 950 § 1, 2004).

17.67.040 Complete application.

An application for a performance-based height exception shall contain seven copies of the following information:

A. The title and location of the proposed project, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

B. A written description addressing the scope of the project, the use of the site, and the nature and height of the proposed structures;

- C. Color, type, model and specification of all proposed structures. Include the area of illumination and intensity of lighting in footcandles for athletic field lighting;
- D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site;
- E. Site plans drawn to a scale no smaller than one inch equals 30 feet showing location and size of uses, location of proposed and existing structures, critical areas and wetlands, buffer areas, proposed areas of disturbance or construction outside of the building and structure footprint, yards, open spaces and landscaped areas and any existing structures, easements and utilities;
- F. Cross sections of proposed structures and topographic information;
- G. A written statement of justification for granting the exception pursuant to the requirements of GHMC 17.67.060, 17.67.070, and 17.67.075, if applicable;
- H. All application requirements of GHMC 19.02.002. (Ord. 1197 § 41, 2010; Ord. 988 § 3, 2005; Ord. 950 § 1, 2004).

17.67.050 Permit type.

A performance-based height exception is a Type III permit. (Ord. 950 § 1, 2004).

17.67.060 Review criteria.

Except for review occurring under GHMC 17.67.075 or 17.67.076, the applicant shall demonstrate that the following criteria for approval of the exception have been satisfied:

- A. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use; and
- B. Visual impacts beyond the site and within environmentally sensitive areas have been minimized by such measures as, but not limited to:
1. Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;
 2. Using color or material to blend the structure into the surrounding environment;
 3. Screening the structure with vegetation;
 4. Avoidance, to the extent possible, of light trespass onto adjacent properties. (Ord. 1033 § 2, 2006; Ord. 988 § 4, 2005; Ord. 950 § 1, 2004).

17.67.070 Special review criteria for athletic field lighting.

In addition to the criteria specified in GHMC 17.67.060, the applicant for an exception for athletic field lighting shall demonstrate that the following criteria for approval of the exception have been satisfied:

- A. Athletic field light fixtures to be installed are a “shoebox” style and downward-directional; and
- B. Both fixtures and poles are painted black, brown or dark green. (Ord. 950 § 1, 2004).

17.67.075 Special review criteria for school facilities ~~in the PI (public institution) district~~. Because primary and secondary schools ~~in the PI (public institution) district~~ may have different visual impacts than other smaller-scale structures listed under GHMC 17.67.020, the applicant shall demonstrate that the following criteria for approval have been satisfied, instead of the criteria listed under GHMC 17.67.060 or 17.67.076:

- A. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use and to meet the requirements of the design manual*; and

- B. Increased height in no wise exceeds:

- 1. Forty-five feet above natural grade as measured under the provisions of GHMC 17.99.370(D); and
- 2. Fifty-six feet above natural grade at the lowest point of the building footprint.

- C. Visual impacts beyond the site and within environmentally sensitive areas have been minimized by measures such as, but not limited to:

- 1. Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;
- 2. Avoidance, to the extent possible, of light trespass onto adjacent properties;
- 3. Within the height restriction area, avoidance, to the extent possible, of obstruction of existing views from adjacent properties through sensitive location of new structures on the site. (Ord. 1033 § 3, 2006; Ord. 988 § 5, 2005).

* Increased height shall not be approved beyond what is minimally needed for functional purposes except as required to meet basic design manual requirements or to achieve, as recommended by the design review board, design continuity or otherwise address zone transition considerations under GHMC 17.99.200.

17.67.076 Special review criteria for museums.

Museums may require height in excess of other uses to preserve and display large historical artifacts and to provide public viewing areas. The height exception for museums shall be limited to artifact display. The applicant must demonstrate that the following criteria for approval have been satisfied, instead of the criteria listed under GHMC 17.67.060 or 17.67.075:

A. The museum must provide regular, frequent, and ongoing public access to exhibits; and

B. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use and to meet the requirements of the design manual*; and

C. Visual impacts beyond the site and within environmentally sensitive areas have been minimized by measures such as, but not limited to:

1. Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;
2. Avoidance, to the extent possible, of light trespass onto adjacent properties;
3. Within the height restriction area, avoidance, to the extent possible, of obstruction of existing views from adjacent properties through sensitive location of new or remodeled structures on the site. (Ord. 1033 § 4, 2006).

* Increased height shall not be approved beyond what is minimally needed for functional purposes except as required to meet basic design manual requirements or to achieve, as recommended by the design review board, design continuity or otherwise address zone transition considerations under GHMC 17.99.200.

17.67.080 Duration of approval and expiration.

The duration of performance-based height exception approvals and expirations shall be governed by GHMC 19.02.008. (Ord. 1197 § 42, 2010; Ord. 950 § 1, 2004).



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION

**CITY OF GIG HARBOR PLANNING COMMISSION
PL-ZONE-11-0005**

TO: Mayor Hunter and Members of the Council
FROM: Harris Atkins, Chair, Planning Commission
RE: PL-ZONE-11-0005 – Performance-based Height Exceptions for Private Schools

Application:

St. Nicholas Church and School has requested a zoning code text amendment to include private primary and secondary schools in the uses eligible for performance-based height exceptions for gymnasiums and performing arts related facilities. If approved, gymnasiums and performing arts centers for private schools would be able to exceed the underlying building height limit to achieve effective performance and operation. Prior to a school being allowed to exceed the height limit a public hearing would be held and the school would have to show that certain criteria have been met. Public schools are currently allowed such performance-based height exceptions.

Planning Commission Review:

The Planning Commission held a work study session on this amendment on October 20th, 2011. A public hearing was held on November 3rd, 2011.

On November 3rd, 2011, the Planning Commission recommended **APPROVAL** of the amendment on a vote of 4 for and 1 abstention. In addition, the Planning Commission recommended minor changes to the definitions of primary school and secondary school. The recommended language can be found at the end of this document.

The Planning Commission made these recommendations after reviewing the general criteria for approval found in the text of Chapter 17.100 of the Gig Harbor Municipal Code, Amendments, which can be categorized into three separate criteria as follows:

1. The text amendment should be consistent with the policies in the City's Comprehensive Plan.
2. The proposed development regulation change should be consistent with the intent of the Performance-based Height Exception and Height Exemption chapter (GHMC 17.67) The following is the stated intent of the chapter:

17.67.010 Intent.

This chapter is intended to identify those structures and uses for which standard height limits are not appropriate and to provide review procedures and criteria for those special situations where the height restrictions of this title may be relaxed. Performance-based height exceptions are intended to allow structures that require height in excess of height limits for effective performance and operation. Performance-based height exceptions are not intended to be used as a means of circumventing individually inconvenient height restrictions.

- 3. The proposed amendment should further public health, safety and general welfare.

Findings of Fact:

The Planning Commission makes the following findings of fact in relation to their recommendation of approval:

1. The Washington State Office of Superintendent of Public Instruction and State Board of Education approves private schools.
2. State statutes and regulations require private schools to conduct a program consisting of kindergarten and at least grade one or any of all grades one through 12 and meet minimum standards of health, safety, and education. Every spring private schools must submit a "state standards certificate of compliance" form to retain approval from Washington State.
3. Currently there are four approved private schools in the Peninsula School District boundaries: St. Nicholas, Harbor Christian Schools on Hunt Street, Harbor Montessori on Comte Drive near 54 Avenue, and Lighthouse Christian Schools on 36th Avenue.
4. The Planning Commission finds that the proposed amendment is consistent with the intent of the performance-based height exception chapter because all schools, whether public or private, could have facilities that have certain dimensional requirements.
5. The proposed amendment will allow consideration of a school's needs while also providing an opportunity for public review and comment.
6. Due to required approval of private schools by the State, only a few private schools in the area would be eligible for the performance-based height exception if the amendment is approved.
7. The Commission finds that in addition to St. Nicholas' request, the City Council should consider amending the definitions of primary schools and secondary schools to require them to be "approved" by Washington State rather than "accredited," as accreditation is optional in the State of Washington, but approval is required.

Harris Atkins, Chair
Planning Commission

Harris Atkins

Date 11/17/2011

Recommended Language:

17.04.717 School, primary.

“Primary school” means a public or private Washington State ~~accredited~~ approved K – 8 school, including accessory playgrounds and athletic fields.

17.04.718 School, secondary.

“Secondary school” means a public or private Washington State ~~accredited~~ approved 9 – 12 school, including athletic fields.

17.67.020 Applicability – Performance-based height exceptions.

A. Approvals of performance-based height exceptions may be given to only the following structures:

1. Elevated reservoirs, water tanks or standpipes under the jurisdiction of the city or another water district;
2. Transmission line towers;
3. Fire training towers;
4. Athletic field lighting;
5. Gymnasiums and performing arts-related facilities for primary and secondary schools in a public institutional (PI) district that are approved by the superintendent of public instruction;
6. Museums.

B. Performance-based height exceptions are prohibited for the following:

1. Communications facilities regulated by Chapter 17.61 GHMC;
2. All new structures on parcels identified as prominent on the city of Gig Harbor visually sensitive areas map;
3. All new structures within the view sheds of a significant vista, as identified on the city of Gig Harbor visually sensitive areas map.

17.67.075 Special review criteria for school facilities in the ~~PI (public institution) district.~~

Because primary and secondary schools in the PI (public institution) district may have different visual impacts than other smaller-scale structures listed under GHMC 17.67.020, the applicant shall demonstrate that the following criteria for approval have been satisfied, instead of the criteria listed under GHMC 17.67.060 or 17.67.076:

* * *

**City of Gig Harbor Planning Commission
Work Study Session
Planning and Building Conference Room
October 20, 2011
5:00 pm**

PRESENT: Harris Atkins, Craig Baldwin, Bill Coughlin and Jill Guernsey. Reid Ekberg, Jim Pasin and Michael Fisher were absent.

STAFF PRESENT: Staff: Tom Dolan

CALL TO ORDER: at 5:00

1. Performance-based Height Exceptions for Private Schools (PL-ZONE-11-0005)

A zoning code text amendment requested by St. Nicholas Catholic Church and School to include private primary and secondary schools in the uses eligible for performance-based height exceptions for gymnasiums and performing arts related facilities.

Mr. Dolan briefly went over the proposal and introduced Eileen McCain and Tom Bates who were present representing the applicant. Ms. McCain explained what the church was hoping to achieve and the history of the current height exception ordinance. Mr. Dolan noted that this does not grant a performance based height exception for St. Nicholas as their application will be decided by the Hearing Examiner. Discussion followed on the possible ways of making sure that the definitions are written in such a way as to ensure that this change wouldn't have unintended consequences. It was decided that this item was ready to go to public hearing on November 3rd, 2011.

APPROVAL OF MINUTES

Mr. Atkins asked for clarification on the last page in the second to the last sentence where it seems to imply that there were going to be two more hearings on the Shoreline Master Program. Ms. Guernsey suggested adding a period after the words "Department of Ecology requests" and eliminate the phrase "and take that to the public hearing to allow interested parties to comment".

MOTION: Move to approve the minutes of October 6th, 2011 as amended. Guernsey/Baldwin – motion carried.

2. Interim Parking Provisions for Existing Buildings in the DB zoning district -
Review of the adopted interim ordinance that added special parking provisions for existing buildings in the downtown business (DB) district.

Mr. Dolan went over the provisions in the interim ordinance. He then talked about the proposed workshop and the work that staff had done to date to organize the workshop on November 3rd, 2011. He distributed the Spinnaker Strategies downtown report. He

stated that he had not been able to get the parking survey as of yet. Further discussion was held on whether there were any possible conflicts with this ordinance and existing codes. He noted that there may also be a proposal by the Waterfront Association for marinas to allocate some of their parking to other uses that have differing peak times. Ms. Guernsey asked if the commission could have all the current parking regulations e-mailed to them prior to the next meeting and Mr. Dolan said he would e-mail the regulations along with the interim ordinance to them. He then went over the possibilities in this ordinance and what the Planning Commission may want to consider changing and/or adding. Discussion was held on the importance of listening to all the ideas and then decide which of them are appropriate to implement now. They discussed the three steps of this process, the first being the adoption of the interim ordinance. Ms. Guernsey cautioned that they needed to get this interim ordinance made permanent and then do further analysis after so as not to confuse the issue or slow it down.

3. Parking Provisions in the View Basin - Review of the existing private-property parking provisions for the commercial zones in the view basin and make recommendations for changes if appropriate.

The discussion of this item was combined with the previous agenda item.

Mr. Atkins suggested that staff send a letter to the Historic Downtown Waterfront Association and the Chamber outlining what had been discussed this evening.

ADJOURNMENT

The meeting was adjourned at 6:02 p.m.

**City of Gig Harbor Planning Commission
Work Study Session and Public Hearing
City Council Chambers
November 3, 2011
4:00 pm**

PRESENT: Harris Atkins, Craig Baldwin, Jim Pasin, Bill Coughlin and Michael Fisher. Jill Guernsey and Reid Ekberg were absent.

STAFF PRESENT: Staff: Tom Dolan, Jennifer Kester and Dennis Troy

CALL TO ORDER: at 4:00 p.m.

4:00 to 5:45 p.m. - Open House

Downtown Parking - An open house to solicit community feedback on existing and future regulations for parking on private property in the downtown commercial areas.

Chairman Atkins welcomed everyone and went over the goal for the evening. Senior Planner Jennifer Kester then went over the current parking regulations and the interim ordinance that has been adopted. She then listed some of the ideas currently being considered and stated that the Planning Commission was asking the public for additional ideas.

The Planning Commission fielded questions from the audience, followed by a comment period.

Steve Skibbs – Mr. Skibbs stated that he owned the Harbor Inn building and that he leases 16 parking spaces and feels like he's subsidizing public parking. He noted that there is some property across the street from him that would be great for a parking structure.

Gary Glein – Mr. Glenn stated that he was from the Historic Waterfront Association. He said that they had found that there was enough parking but that it wasn't necessarily in the right place and that employee parking is impacting customer parking. Mr. Glein said that he felt that the interim ordinance needed more time to really see its impact. He also was in favor of the use of marina and church parking lots.

Kit Kuhn – Mr. Kuhn stated that he likes the current ordinance. He emphasized the need to invest in the downtown. He noted that he also leases space that everyone uses. He expressed appreciation for the Planning Commission efforts.

Steve Lynn – He expressed that he felt that these parking solutions were a great change that can be implemented without cost and will be a great help to the businesses. He suggested that perhaps the Anthony parking lot have a parking structure or have

retail on the bottom with parking on top. Mr. Lynn also stated that he was in favor of expanding the interim ordinance to apply to other areas of the city.

John Moist – He stated that he felt the Waterfront Millville needed to be included as they have marinas with very stringent parking regulations.

John Platt – Mr. Platt stated that they were against any public parking in the marina. They are required to have a certain number of spaces for each slip and if the public starts using it they won't be able to provide parking to their owners.

Jose Lopez – Mr. Lopez, proprietor of El Pueblito, stated that he has problems with the public parking in his parking lot and that he was in favor of exploring the leasing of portions of the marina while still respecting the slip owners.

Sue Jensen – Ms. Jensen asked about the new parking lot next to the Tides. Ms. Kester stated that it will be public parking. She then asked about the loss of the parking near Donkey Creek and Ms. Kester stated that it will be rearranged and hopefully no net loss. She expressed that it seemed that some businesses were allowed more leeway in regard to parking than others. She voiced her support for the interim ordinance.

Gary Myers – He asked for a master plan to provide public parking. Ms. Kester stated that there is no specific plan at this time.

Mr. Kuhn emphasized the need to make sure that our downtown remains vibrant in order to attract new residents. He continued by saying that this is why there needs to be an investment in downtown parking. He noted that something needed to be done in two areas of the city, rather than just one big solution.

Steve Skibbs posed the question as to whose responsibility is it to provide parking and noted that in Tacoma and Seattle you have to pay to park. He noted that Port Orchard is looking at this option.

Mr. Moist noted that there are several restaurants in town that have no off street parking. If you have a small parking lot, the codes are punitive.

Dave Morris – He asked about any funding available for the city to provide some kind of public parking. Ms. Kester said that the money for maritime pier was general fund money and Donkey Creek was funded by a federal grant.

City Administrator Rob Karlinsey said that it is possible for the city to lease private property to provide public parking.

Steve Lynn emphasized the need for shared parking to be able to be utilized in all areas.

Mr. Karlinsey stated that some additional ideas were to possibly relax parking requirements for certain uses that they wanted to encourage. He also suggested perhaps a development agreement where parking requirements could be relaxed for other things that the developer could possibly provide. He then suggested the shared parking idea. Ms. Kester noted that we have a current ordinance that allows for shared parking lot for different peak time uses, but the ordinance does not apply across different property owners.

Kit Kuhn noted that it had previously been suggested the Judson St. could be made one way and then have angled parking. He also suggested that there is a large piece of property behind the Mustard Seed that could be utilized for parking.

Mr. Karlinsey asked about what areas of the downtown on-street parking within 200 feet of the business can be used toward parking requirements. Ms. Kester answered that within the DB zone. She noted that if the interim ordinance were to remain permanent then that provision would not be necessary. He suggested allowing this provision be used in other zones to count toward parking requirements.

Bruce Gair – Mr. Gair noted that discussion had been held with the Tarabochias regarding parking and that the Stutz site should be considered for parking. He suggested that there be signage stating where employees shall park.

Mr. Pasin asked the audience if parking is really affecting redevelopment of the downtown. A majority of attendees raised their hands. He also asked if some of the current restrictions are preventing businesses from filling the existing buildings. A majority of attendees raised their hands.

Mr. Fisher spoke about the importance of the downtown core and economic activity.

Mr. Moist stated that during events that draw upwards of 1,000 people they all find a place to park. He stated that he felt that it was more about the disparity in the regulations.

Mr. Gair spoke against the 2 hour parking limitation stating that it wasn't enough to enjoy the harbor. You can't have a meal and then shop within a 2 hour window.

Mr. Atkins went over the next steps in the process and asked for a show of hands as to how many people were in favor of keeping the interim ordinance (a majority raised their hand) and then how many were in favor of expanding it to other areas (a majority raised their hand).

A brief recess was called.

Public Hearing

1. **Performance-based Height Exceptions for Private Schools (PL-ZONE-11-0005)** A zoning code text amendment requested by St. Nicholas Catholic Church and School to include private primary and secondary schools in the uses eligible for performance-based height exceptions for gymnasiums and performing arts related facilities.

Ms. Kester summarized her staff report on this issue. She went over the history of the current ordinance and its applicability. She stated that staff felt that this request was consistent with the intent of the original ordinance.

Mr. Pasin asked if the St. Nicholas property was within the Historic District. Ms. Kester said that the property where the school is located is not within the Historic District. He then asked about the specific plans for the school and Ms. Kester explained that this is not a project specific proposal.

Mr. Atkins opened the Public Hearing at 6:00 p.m.

Eileen McKain, representing St. Nicholas. Ms. McKain noted that she was present when the current ordinance was adopted but that they had chosen not to pursue changing the Harbor Ridge proposal in order to not hold up Harbor Ridge's construction. She stated that St Nicholas had narrowly tailored the language in order to be sure that they were being respectful of view corridors. She noted that the requirements to become a private school were quite stringent so this allowance would not apply to just anyone trying to say they were running a private school. She stated that although this was a legislative proposal they had identified two areas where they might construct a gymnasium. Ms. McKain stated that they had not started design and wouldn't until they were sure they had this proposal was approved.

Mr. Dolan asked that Ms. McKain expand on the constitutional conflicts. Ms. McKain said that basically it means that religious institutions cannot be treated differently than a public institution. She emphasized that she didn't believe that it was the intent of the city to exclude St. Nicholas and she realized that Harbor Ridge had been in a tight spot.

Ron Harpel, BLRB Architects – Mr. Harpel went over the height standards for a gymnasium and said that the interior standard for volleyball was 23' from floor to structure and for basketball it's 25'. He noted that in other cities there is a maximum 35' exterior allowance. Mr. Pasin asked what their proposed height would be and Mr. Harpel said that they are not that far into design yet.

Mr. Atkins closed the public hearing.

MOTION: Move to approve the text amendment as submitted. Baldwin/Coughlin

Mr. Pasin voiced his concern with this school being in an R-1 zone rather than in the Public Institutional zone. He also stated that he felt the implications could be great since this is in the view basin.

Mr. Dolan noted that the motion should state to “recommend approval” rather than “to approve”. Mr. Atkins asked about the process that the project itself would have to go through and Ms. Kester explained the criteria and process. She also noted that schools in residential zones are required to get conditional use permits.

Mr. Pasin said that he would like to see a restriction on what type of building this could apply to and that in the future it could not be converted to any other use. Mr. Dolan asked if this would apply to both public and private schools. Mr. Pasin said that he didn't think that a public school would have the ability to convert it to another use. Mr. Dolan cautioned that he was sure the City Attorney would advise that any regulations would have to apply to both.

Mr. Fisher stated that this amendment is to standardize definitions and there are four different schools that this would apply to and he didn't feel that they should treat one school different from another. He noted that a public school could close due to lack of students and then the gym may become something else.

Ms. Kester suggested that in the definition of primary and secondary schools be changed from “accredited” to “approved” since Washington State approves schools and the accreditation is voluntary and approval is required.

RESTATED MOTION: Recommend approval of the proposal as submitted.
Baldwin/Coughlin – Motion carried with Mr. Pasin abstaining.

MOTION: Recommend the City Council change the word “accredited” to “approved” in the definition of primary and secondary schools in order to be consistent with the Washington State Office of Superintendent of Public Instruction nomenclature.
Fisher/Baldwin – Motion carried.

A brief recess was called.

Work-Study Session:

1. Downtown Parking - Discussion on the comments received at the open house.

Ms. Kester went over the list assembled from the comments received during the open house. Mr. Atkins stated that he did not want to discuss each of the items but rather just go over them as refresher in order to be prepared to further discussion at the next meeting. She stated that she would have the list typed up for further discussion. Discussion was held on the importance of supporting the downtown businesses.

Mr. Atkins stated that he would like to go through the existing parking regulations and

then decide what modifications the commission would like to recommend. Mr. Pasin stated that it would be his recommendation that the interim ordinance be made permanent but apply to all commercial zones within the city. Ms. Kester noted that some draft language will need to be developed for the next meeting. Mr. Fisher felt that just continuing the interim ordinance would be an incomplete analysis of the parking situation. Mr. Pasin stated that he felt that more time was needed during 2012. Mr. Coughlin said that he felt that there is an opportunity here to at least make some small changes which could make an impact on businesses. Mr. Dolan noted that they only had one more work study session to figure out what they wanted to do since the Public Hearing is scheduled for the first meeting in December. The interim ordinance needs to go back to the Council in January and he didn't feel that there is enough time to do much more than get the interim ordinance adopted. Ms. Kester stated that she felt that there could be some minor tweaks that could be made along with the adoption of the interim ordinance. Mr. Atkins cautioned that soliciting the public's concerns and then not doing anything is bad politics. He felt that perhaps there is some low hanging fruit that could be plucked and placed within this ordinance and then of course they could do further analysis in 2012. Mr. Atkins noted that the City Council had asked that they do an analysis and bring back some suggestions. Mr. Dolan stated that the Planning and Building Committee will be deliberating on the calendar for the upcoming year and suggested that perhaps the Chair and Vice Chair attend that meeting on the 5th of December to provide input. Mr. Fisher suggested that they start their next meeting at 4:00 in order to get more done. It was agreed that if there was staff and space the next meeting would start at 4:00 p.m.

Mr. Dolan noted that also at the December 5th Planning and Building Committee meeting they will be discussing the proposal by the Kayak Club that would require direct consideration by the City Council. The Kayak Club is proposing to locate at Skansie Park and it may require a change to the setbacks for the park.

ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Subject: Appointment of a City Representative to the Public Transportation Improvement Conference (PTIC)

Proposed Council Action:
Appoint a Councilmember to represent the City of Gig Harbor on the PTIC

Dept. Origin: Administration

Prepared by: Molly Towslee, City Clerk *MT*

For Agenda of: November 28, 2011

Exhibits: Letter from Pierce Transit & Resolution

	Initial & Date
Concurred by Mayor:	<u>CTH 11/21/11</u>
Approved by City Administrator:	<u>ROK</u>
Approved as to form by City Atty:	e-mail 11/18
Approved by Finance Director:	_____
Approved by Department Head:	_____

Expenditure	Amount	Appropriation
Required \$0	Budgeted \$0	Required \$0

INFORMATION / BACKGROUND

Pierce Transit's Board of Commissioners approved a resolution to convene a Public Transportation Improvement (PTIC) Conference as authorized by chapter 36.57A RCW. The first meeting of the PTIC has been noticed for December 16, 2011.

Pierce Transit is asking the city to designate an elected official to be our PTIC representative. The appointment must occur before the December 16th meeting in order for our representative to attend and participate in the first meeting.

At the first PTIC meeting, the Conference will consider whether to propose revisions to the Public Transportation Benefit Area (Pierce Transit) boundary. If a revision is proposed, the PTIC will set a date for a public hearing. Between the first meeting and the public hearing, the map of proposed revisions will be provided for City Council consideration, and the City Council will then indicate by resolution whether the City should be included or excluded from the revised boundary. The map may change based on City input, and the map with all jurisdictions' input will be considered at the public hearing. At the conclusion of the public hearing the Conference may adopt a resolution delineating the new boundary. Pierce County has the opportunity to object, and any city may withdraw if desired.

FISCAL CONSIDERATION

N/A

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Appoint a Councilmember to represent the City of Gig Harbor on the PTIC.



November 15, 2011

This letter is to inform you that Pierce Transit's Board of Commissioners (*Pierce Transit*) approved a resolution at its November 14, 2011, Board meeting to convene a Public Transportation Improvement Conference (*PTIC*) as authorized by Ch. 36.57A RCW. The first meeting of the PTIC will be December 16, 2011, at 2:30 p.m. at the Puyallup Library, 324 South Meridian, Puyallup, WA 98371.

For your convenience, we offer the following general outline of the PTIC process. Necessarily, not all details are included and you should consult your legal counsel about the process. Further, since this letter constitutes Pierce Transit's 30 day written notice to you of the first PTIC meeting, you will need to designate your PTIC representative (*an elected official*) promptly in order to attend and participate in the first meeting (*see #4 below*).

1. Pierce Transit passes a resolution creating and convening a PTIC.
2. Pierce Transit sends a 30 day written notice of the first PTIC meeting to every jurisdiction (*including the County*) within the County.
3. Pierce Transit provides a 30 day public notice of the first PTIC meeting.
4. Prior to the first PTIC meeting, the County and jurisdictions must designate their representatives (*an elected official*).
5. At the first PTIC meeting, a chair will be elected from the members at large.
6. At the first PTIC meeting, the Conference will consider whether to propose revisions to the Public Transportation Benefit Area (*PTBA*) boundary.
7. At the first PTIC meeting the Conference may set a date for a public hearing. It will be assumed for this illustration that the Conference concludes a revision is appropriate. The public hearing must be publicly advertised for four consecutive weeks. Note below the date of this public hearing will be dependent on County and jurisdiction responses to the preliminary delineation discussed below.
8. Between the first PTIC meeting and the public hearing, a proposed revised boundary will be delineated based on the first meeting discussions. This preliminary delineation will be sent to the included County and jurisdictions.
9. The County and jurisdictions must then indicate affirmatively whether they wish to be included or excluded in the revised boundary.

10. The preliminary delineation is then amended to reflect the statements of inclusion or exclusion.
11. The amended delineation, in the form of a map and a description of the proposed boundary will then be placed in the publicly advertised notice for the public hearing noted above.
12. A public hearing will be held on the date and at the place in the notice. "At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area." RCW 36.57A.030.
13. The Conference may adjourn the public hearing from time to time, but not for a period to exceed 30 days in all.
14. The Conference may make reasonable and proper changes to the amended delineation, with certain restrictions. If new territory is added, then a second public hearing shall be held.
15. At the conclusion of the first public hearing (*or the second public hearing, if applicable*), the Conference may adopt a resolution delineating the new boundary.
16. Within 30 days of the established resolution, the County may reject the new boundary.
17. Within 60 days of the establishment of the new boundary, any city may withdraw.

Included with this letter is a sample resolution for your consideration in order to formally designate your representative for the PTIC. Naturally, you should consult your legal counsel as to the appropriate resolution form to be used.

Sincerely,



Treva Percival, Clerk of the Board
Pierce Transit

cc: Pierce Transit Board of Commissioners
City Clerk

RESOLUTION NO. 11-027

1 A RESOLUTION of the Board of Commissioners of Pierce County Public
2 Transportation Benefit Area

3 Authorizing the Convening of a Public Transportation Improvement
4 Conference for the Purpose of Evaluating the Need for and Desirability
5 of Revision to the Pierce County Public Transportation Benefit Area
6 ("Pierce Transit") Boundary
7

8 WHEREAS, Pierce Transit was formed on April 4, 1979, to
9 provide bus service to the residents of Pierce County; and
10

11 WHEREAS, after the failed Pierce Transit February 2011
12 sales tax increase proposal, the Pierce Transit Board of
13 Commissioners, following a series of public hearings, directed Pierce
14 Transit staff to reduce expenses as a result of declining sales tax
15 revenues and make further service reductions in the amount of 35
16 percent which reduced the cost of operating transit service and
17 ensured a balanced budget by December 2012; and

18 WHEREAS, public comment was received during the
19 aforementioned public hearings and expressed concern for the level of
20 reductions necessary for the Agency to be financially sustainable.
21 Generally the comments expressed support for maintaining some level of
22 service for passengers to be able to continue to connect to jobs and
23 school with early morning and peak commute time services; and

24 WHEREAS, Pierce Transit should provide public
25 transportation services to Pierce County areas where the services are
26 best utilized and supported; and

27 WHEREAS, the failed February 2011 sales tax increase
28 proposal identified areas of highest Pierce Transit voter support and
29 the public hearings and staff work identified the areas of highest and
30 best utilization of Pierce Transit; and

31 WHEREAS, Pierce Transit has authority to revise its
32 boundary pursuant to Ch. 36.57A RCW and Washington State Supreme Court
33 decisional law in order to best serve public transportation needs; and

1 WHEREAS, Pierce Transit's Board of Commissioners are
2 uniquely knowledgeable and familiar with the financial and operational
3 facts, plans and polices of Pierce Transit with respect to its current
4 and future fulfillment of its statutory purpose in the furtherance of
5 public transportation; and

6 WHEREAS, Pierce Transit's Board of Commissioners will
7 substantially comply with all applicable laws regarding the review and
8 potential revision of the Pierce Transit boundary, consistent with the
9 principles and requirements of input from public jurisdictions and
10 citizens;

11 NOW, THEREFORE, BE IT RESOLVED by the Board of
12 Commissioners of Pierce Transit as follows:

13 Section 1. The Board of Commissioners creates and will
14 convene the Pierce Transit Public Transportation Improvement
15 Conference, which conference will be conducted in substantial
16 compliance with Ch. 36.57A RCW and Washington State Supreme Court
17 decisional law and which conference will evaluate the need for and
18 desirability of revision to the Pierce County Public Transportation
19 Benefit Area Boundary in order to best serve public transportation
20 needs, effective November 14, 2011.

21
22 ADOPTED by the Board of Commissioners of Pierce Transit at
23 a regular meeting thereof held on the 14th day of November 2011

24
25
26 _____
27 Claudia Thomas, Chair
28 Board of Commissioners

29 ATTEST:

30
31
32 _____
33 Treva Percival, MMC
Clerk of the Board