

## **GIG HARBOR CITY COUNCIL MEETING OF APRIL 12, 2004**

**PRESENT:** Councilmembers Ekberg, Young, Conan, Dick and Ruffo.  
Councilmember Picinich absent. Councilmember Franich acted as Mayor Pro Tem in Mayor Wilbert's absence.

**ABSENT:** Councilmember Picinich and Mayor Gretchen Wilbert.

**CALL TO ORDER:** 7:00 p.m.

### **PLEDGE OF ALLEGIANCE:**

### **CONSENT AGENDA:**

*These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.*

1. Approval of the Minutes of City Council Meeting of March 22, 2004.
2. Correspondence / Proclamations: a) Proclamation – Earth Week. b) Proclamation – Records and Information Management Month. c) Letter- County Councilmember Terry Lee.
3. Wastewater Treatment Plant Fencing – Contract Authorization.
4. Appointment to Gig Harbor Arts Commission.
5. Maritime Pier Preliminary Design Services – Consultant Services Contract.
6. Pavement Markings Contract Authorization.
7. Gig Harbor Comprehensive Plan Update – Consultant Services Contract.
8. Stinson Avenue Pedestrian Street Improvement Project – Survey Contract.
9. 45<sup>th</sup> Avenue Pedestrian Improvement – Survey Contract.
10. El Jireh Short Plat Sanitary Sewer Easement Agreement – Carlsen.
11. El Jireh Short Plat Sanitary Sewer Easement Agreement – Butler.
12. El Jireh Short Plat Sanitary Sewer Easement Agreement – Hazen.
13. Resolution No. 622 – Maintenance Contract for Civic Center HVAC and Control System.
14. On-Call Development Review Professional Services.
15. Liquor License Application: Thai Hut.
16. Change of Location for Liquor License: The Keeping Room, Candles & Wine Etc.
17. Liquor License Renewals: Albertson's, Inc.; Anthony's at Gig Harbor; QFC #886; Tanglewood Grill; and Bistro Satsuma.
18. Approval of Payment of Bills for April 12, 2004.  
Checks #42864 through #43036 in the amount of \$452,151.83.
19. Approval of Payroll for the month of March.  
Checks #3098 through #3138 direct deposit entries in the amount of \$235,028.74.

**MOTION:** Move to approve the Consent Agenda as presented.  
Ekberg / Ruffo – unanimously approved.

**OLD BUSINESS:**

1. Resolution – Community Center Maintenance and Operations Support. Mark Hoppen, City Administrator, explained that this resolution sets a directive that could result in a commitment of \$150,000 a year for five years for a community center that could house a senior center facility. He further stated that inherent in this resolution is the notion that Pierce County would need to have an agreement between Pierce County as the lessor, and The Boys and Girls Club as the lessee in order to build a facility that would meet the kind of requirements that the city outlined in the study of last year. Mr. Hoppen went on to explain that Pierce County would need to have an interlocal agreement with the City of Gig Harbor for Pierce County to be the fiscal agent in order that both program and construction of the facility were carried out within the bounds of the city's expectations.

Councilmember Ekberg asked who in addition to the city would be providing funds for maintenance for this center. Mr. Hoppen explained that right now the outline set by the Boys and Girls Club executive board was that unless the local jurisdiction contributes the \$150,000 for five years, they can not move forward with this project in this particular jurisdiction. Mr. Hoppen said that he thought that The Boys and Girls Club plans for user fees to compliment the city's fees for five years.

Councilmember Ekberg asked if Pierce County was going to contribute any maintenance and operation money. Mr. Hoppen responded that Pierce County Councilmember Terry Lee was present and could possibly respond to Councilmember Ekberg's question. Councilmember Lee stated that he was attending this council meeting to speak in favor of the Boys and Girls Club / Senior Center. He stated that not only does it help the children but it also addresses an ever aging population here on the Gig Harbor Peninsula. Pierce County has granted the Boys and Girls Club a long term lease for one dollar. Mr. Hoppen pointed out that the interlocal agreement shall express maintenance and operations commitments as well as recreational and social program commitments for the five year period of the agreement. Mr. Hoppen stated that if this moves forward in the way that he envisions it, the city will not own any programs, or the building, or the property.

Mayor Pro Tem Franich expressed interest in knowing the plan beyond the five years. Mr. Hoppen stated that their plan is to be self-sufficient at that time. Councilmember Dick responded to Councilmember Franich that the lease itself indicates what kinds of uses will transpire. Councilmember Dick thought that there would be a continued relationship after year five; the city just has not been asked to commit to a period beyond that.

Councilmember Franich pointed out that a senior center is something that our community needs and something that our seniors deserve. He stated that he was hoping to see more in the resolution about what programs would be offered before we allocate any money. Councilmember Ekberg recommended that possibly two councilmembers serve on a committee that will help draft the interlocal agreement to address any concerns the city had.

Councilmember Ruffo pointed out that the third “whereas” in the resolution stated that Pierce County would not be responsible for costs related to construction or maintenance and operations of the facility. Councilmember Lee responded by saying that Pierce County’s position right now is they are putting up the land. Councilmember Lee stated that he would try to incorporate in Pierce County’s budget process a means to partner with the city in facility operations and maintenance for the first five years. Councilmember Lee stated that if Initiative 864 gets approved, then it will likely change Pierce County’s ability to step forward on this. He will not know the outcome of this until November. He emphasized that he would do everything that he could to make this a reality.

Councilmember Dick emphasized that in this resolution we are expressing our intention to go forward, and if an appropriate agreement is finalized, and if the County thinks that the lease looks right, and if we’re satisfied that this together with our agreement with the County looks good, then we can move forward.

Councilmember Young summarized that if in concept the Council wants to have a senior center, is the city willing to commit to \$150,000 for it? Mr. Young went on to say that it is no different than every year when we make budget line items saying we want to spend “x” amount of dollars on this project or the next. At no point do we actually commit to those dollars being spent nor do we commit to the language with the contractor or do we dictate the design, but what we do say is that at some point we are committing to a dollar amount and if it is more or less, we’ll make those adjustments. Councilmember Young stated the question, is this facility a bargain? He thought it is because it is a collaborative effort and will save taxpayer dollars. Councilmember Young stated that we should be looking at the broader picture. If the community wants this, then this resolution is reasonable.

Councilmember Ruffo requested that the third Whereas be replaced with: “Whereas there is more planning involved before a definitive construction, operation and maintenance budget can be finalized.” Councilmember Ekberg agreed. Councilmember Ruffo said the he also wanted to add at the end of section 1, “provided that this agreement will be conditioned upon the timely completion of the facility within budget and will limit the city’s annual financial commitment to \$150,000 for five years from its commencing operation.” Mayor Pro Tem Franich pointed out that this language is already contained in Section 1. Mr. Hoppen explained that the resolution is written to reflect that until the facility is opened, no money will be expended. Councilmembers discussed and agreed that the existing language was sufficient to address Councilmember Ruffo’s concerns.

**MOTION:** Move to accept the Resolution No. 623 with the modifications of the deletion of the third Whereas, substituting “Whereas there is more planning involved before a definitive construction, operation and maintenance budget can be finalized” and accepting the rest of the resolution as written by staff.  
Ruffo/Young – unanimously approved.

2. City Prosecutor Contract. City Administrator Mark Hoppen presented information on the one-year contract in the amount of \$72,000 to renew the services of the City Prosecutor, Brenda Bono. He explained that the Ms. Bono is requesting an increase of salary of 13.8% and stated that she did not receive any increase in salary last year. Mr. Hoppen gave an overview of salary comparisons of other cities. He explained that an alternative at the cost of this contract would make it possible to accommodate a full-time on-staff person with a \$55,000 salary including benefits. He further stated that it would be irregular to make this change mid-year, however it could be done. Mr. Hoppen said that Ms. Bono has been doing a sound job and there were no questions about the execution or performance of her job. He asked council for direction.

Councilmember Ruffo asked how many hours are court hours for a full-time, 40 hour position. Mr. Hoppen stated that the comparison that he has shown were actual hours in court. He went on to state that there are considerable hours spent outside of court. Mr. Hoppen suggested that Ms. Bono may wish to address this question. Councilmember Ekberg suggested that the city revisit the option of a staff position at the next budget process.

Councilmember Dick said that when the amount of effort gets to the point that we are regularly and routinely needing a full-time equivalent that he prefers to do it through employment rather than contract. He would like to keep this option open, if and when it becomes appropriate, to hire a full-time person in this capacity.

Councilmember Dick requested a clarification of how much time the current Prosecutor, Brenda Bono was putting in. At that, Brenda Bono came to the podium and replied that she had been a lawyer for 15 years, has been a judge, and comes with much experience. Ms. Bono explained that the city now has a full court schedule and the case load has tripled. She went on to state that someone with less experience would be doing the current court calendar in two to three days, instead of the current one day. Councilmember Dick concurred that if we hired someone who just graduated from law school that we would spend a great deal of time on their efforts learning and we wouldn't obtain the efficiencies of an experienced person.

**MOTION:** Move to authorize the Mayor to sign the contract for prosecutor services for 2004-5 as written here.  
Ruffo/Young – unanimously approved.

3. Design Manual Update. Steve Osguthorpe, Planning and Building Manager addressed Council about the lengthy update process. Mr. Osguthorpe gave a background of this process. He presented a timeframe for completion and requested direction from Council. The final document would be presented to Council for the first reading of the ordinance on August 9, 2004 with the second reading and final adoption anticipated on August 23, 2004.

Councilmember Young suggested that the manual be brought to council in less than its entirety on this date or if there are topics that remain and haven't been completed. Possibly the Design Review Board could set aside one topic per quarter or whatever is comfortable for them in order to continue to adopt changes to this code so that we can get something in place. Mr. Young was emphatic that these proposed dates be strictly adhered to with no extensions. Councilmember Ruffo agreed with Councilmember Young that this matter needs to be completed. Councilmember Franich said that he was a little uncomfortable with a stringent time line on such an important issue, but he does concur that it is time to finalize the manual. Councilmember Dick also stated that it is better to fix the mistakes a little at a time than to stagnate and hold back and not put into place the ideas that we have already wrestled with. He praised the effort and time that has been spend by staff and the Design Review Board.

There was a consensus by Council and a directive to staff to adhere to the proposed time schedule for adoption in full or partial entirety.

### **NEW BUSINESS:**

1. Introduction of Ordinance – School Impact Fees and Interlocal Agreement. City Administrator Mark Hoppen presented information on this Ordinance and Interlocal Agreement explaining that in 1999, the City Council adopted an ordinance to establish transportation and park impact fees. The current ordinance does not collect school impact fees and the revisions to this ordinance propose to facilitate collection of such fees. The fees proposed are \$1,711 per single family dwelling and \$901 per multi-family dwelling unit. Mr. Hoppen further explained that before the first reading of the ordinance can be addressed, the School Board would have to approve the Interlocal agreement.

Marian Berejerjian, Friends of Pierce County – 8205 90<sup>th</sup> St Ct NW. Ms. Berejerjian spoke on behalf of her organization that promotes “livable communities”; schools that are not overcrowded and adequately funded. She commended the city and the School Board for trying to bring this issue to light and impose these fees on new development.

Councilmember Dick expressed his support for this ordinance and suggested that we do all that we can to explore the idea of larger impact fees in coordination with Pierce County and other jurisdictions in a consistent approach. He expressed his thanks to the School District and staff for their efforts.

Councilmember Franich asked if there were any representatives from the School Board present. Jill Guernsey, Board of Directors, was present and came forth to address any questions. Councilmember Franich asked how the District arrived at the \$1,711 fee. Ms. Guernsey responded that these fees were exactly the same and consistent with Pierce County fees. She continued to explain that Pierce County is considering raising this fee, and when that happens, the school district will come back ask the city to also raise the impact fees accordingly. Councilmember Franich asked for clarification on how the cost of the extra students was calculated. Ms. Guernsey explained that the district has done calculations for what they believe is the cost of a new student and in

this district, that amount is \$12,000; \$6000 is half that amount and part of the formula. She said that whether or not this amount is realistic is another question. She explained that the district has to consider whether or not a student is new to the district, or moving within the district when calculating the cost.

Councilmember Franich said that just because the county has adopted a lower number doesn't make it the right thing to do, if the \$1711 isn't sufficient. Ms. Guernsey stressed that this number is what the school district is asking for at this time as they want to treat all students equally. She said that they want the county fee to increase, but they want to see both the city and county fees remain consistent. Councilmember Ruffo agreed with this analogy that it is all one school district.

Councilmember Young stated that although he is in favor of funding for our schools, this could potentially hurt or alter the natural growth trends.

2. Wastewater Treatment Plant Controls Update – Consultant Services Contract. John Vodopich, Community Development Director presented information and background on the proposed contract to replace the lift station and communication telemetry that is responsible for controlling all of the upper plant functions. He explained that this upgrade will increase the Programmable Logic Controller capacity and connect into the new Ethernet communication line after the construction of Lift Station #2. Mr. Vodopich recommended that Council authorize the execution of the contract to Advanced Industrial Automation in the amount of \$6,722.50 for this work.

**MOTION:** Move to take the staff recommendation to approve the contract as presented in an amount not to exceed six thousand seven hundred twenty-two dollars and fifty cents.  
Ruffo / Dick – unanimously approved.

3. Civic Center ADA Access. John Vodopich presented this contract with Cascade Door Services in the amount of \$5,698.45 for the installation of an ADA push button automatic door opener at the rear door of the Civic Center. There was discussion about how the door would function with the possibility of adding this feature to the front doors of the building.

**MOTION:** Move to take the staff recommendation to approve the contract as presented in an amount not to exceed five thousand six hundred ninety-eight dollars and forty-five cents.  
Ruffo / Conan – unanimously approved.

4. First Reading of Ordinance Redefining Allowable Siding Materials. Mr. Vodopich presented this ordinance which he described would amend and redefine the existing language of the city's design manual pertaining to allowable siding materials. The ordinance would eliminate the reference to traditional siding materials and provide a more specific definition of acceptable siding materials. He explained that the issue of siding materials has been problematic over the years. The proposed changes are

intended to meet the intent of existing regulations on siding materials and to avoid any future misunderstanding over these requirements. The Planning Commission voted unanimously to recommend to adopt the proposed language, provided that the prohibited materials be deleted from the text of the ordinance and rather be administratively approved.

Council directed staff to bring back the revised ordinance at the first meeting in May.

5. Official Ballot for Pierce Transit Board of Commissioners. Pierce Transit requested the city's consideration for representation on their Board of Commissioners to fill an at-large position. The position is established to specifically represent the viewpoint of the thirteen small cities and towns in Pierce County. The four nominations were Neil Johnson, City of Bonney Lake; Barry Johnson, City of Fife; Stanley Holland, City of Orting; and Dave Enslow, City of Sumner.

Councilmember Young recommended Barry Johnson because he felt that it may be to the city's advantage to have someone from Fife in this position since our two cities have similar concerns. Councilmember Young also based his recommendation upon working with Mr. Johnson and felt he was the best choice.

**MOTION:** Move to cast the city's ballot for Barry Johnson, City of Fife.  
Young / Ekberg – unanimously approved.

6. Official Ballot for Zoo/Trek Authority Board. Pierce County Regional Council requested the city's consideration for representation on the Zoo/Trek Authority Board. This position is established to specifically represent the viewpoint of the thirteen small cities and towns in Pierce County. The three nominations were Cheryle Noble, City of Bonney Lake; Michael Deckert, City of Edgewood and Mark Evers, City of Sumner.

Councilmember Young recommended Michael Deckert from the City of Edgewood because he appears to be conscientious and has the kind of outlook that would be beneficial to the city although he happens to be from a city that is a user of these dollars, and we have a per capita distribution. Therefore, his background may or may not be beneficial but Mr. Deckert's viewpoint may prove to be helpful to our city.

**MOTION:** Move to cast the city's ballot for Michael Deckert, City of Edgewood.  
Young / Ekberg – unanimously approved.

#### **STAFF REPORTS:**

1. GHPD – March Stats. No verbal report given.
2. Community Development - Annual Water Capacity Report. John Vodopich presented the 2003 Annual Water Capacity Report, as required by the city's Concurrency ordinance. This purpose of this report is to evaluate the reserved and available ERU's of the city's water system. There were no questions or comments.

**PUBLIC COMMENT:**

Jake Bujacich – 3607 Ross Ave. Mr. Bujacich expressed concern about the new developments occurring throughout the city, trees, buffers, the demolition of the old shipyard and adjacent waterfront, and the zoning in Gig Harbor.

Howard Bowles – 3612 44<sup>th</sup> St. Ct. NW. Mr. Bowles said that he has made a submission for the April 26<sup>th</sup> council meeting and asked the council to study this before the meeting.


**COUNCIL COMMENTS / MAYOR'S REPORT:**

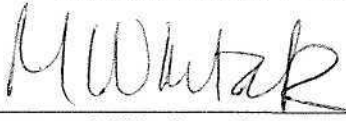
Gig Harbor Peninsula Community Center. No verbal report given.

**ANNOUNCEMENT OF OTHER MEETINGS:** None.

**MOTION:** Move to adjourn at 8:45 p.m.  
Ruffo / Conan - unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1 – 15.  
Disk #2 Tracks 1 - 6.

  
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Jim Franich, Mayor Pro Tem

  
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Maureen Whitaker, Assistant City Clerk