

## **GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 13, 2006**

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

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

**PLEDGE OF ALLEGIANCE:**

**SPECIAL PRESENTATION:** Recognition of Service: Officer Kevin Entze

Chief of Police Mike Davis explained that after 28-1/2 years of police work, Kevin Entze has retired from the Gig Harbor Police Department and gone to work as School Security for Gig Harbor High School. Chief Davis gave an overview of Kevin's extensive public service record, adding that he looks forward to a continued working relationship with Kevin in his new capacity. He presented Kevin with a plaque for his years of service in this department.

Kevin praised the team of officers, the police administration staff, and the city officials explaining that these people are the reason that he continued working all these years. He then introduced his wife, Vicki stressing that she played a large part in his success as a police officer. Chief Davis announced Kevin's going away part to be held on February 26<sup>th</sup>, 5 p.m. at Madrona Links.

### **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 January 23, 2006.
2. Purchase Authorization – Street Lights.
3. Appointments / Re-appointments to the Lodging Tax Advisory Committee.
4. Hotel Motel Tax Contracts for 2006 Tourism Related Services.
5. Animal Control Agreement – Kitsap Humane Society.
6. 2006 Boating Safety Agreement.
7. Liquor License Application: Marketplace Grille.
8. Payment of Bills for February 13, 2006.  
Checks #49396 through #49571 in the amount of \$666,807.60.
9. Approval of Payroll for the month of January:  
Checks #4105 through #4138 and direct deposit entries in the amount of \$267,764.64.

**MOTION:** Move to adopt the consent Agenda as presented.  
Ekberg / Franich – unanimously approved.

**OLD BUSINESS:**

1. Second Reading of Ordinance – Request for Public Alley Vacation. John Vodopich presented a brief overview of this request to vacate a portion of an alley adjacent to 3010 Harborview Drive.

**MOTION:** Move to adopt Ordinance No. 1028 as presented.  
Young / Ekberg – unanimously approved.

2. Second Reading of Ordinance – Stewart Rezone. John Vodopich presented the background information on this ordinance adopting changes to the zoning on a parcel located in the Harbor Heights neighborhood.

**MOTION:** Move to adopt Ordinance No. 1029 as presented.  
Payne / Kadzik – unanimously approved.

3. Second Reading of Ordinance – Allowing Independent Living Facilities as a Conditional Use Permit. John Vodopich gave an overview of this proposed text amendment submitted by Colson and Colson Construction Company that would conditionally permit independent living facilities in the B-2 general business district.

Councilmember Franich asked for clarification on the proposed project that brought this text amendment request forward.

Dan Roach – Kurb Renner Architects, Salem, Oregon. Mr. Roach spoke on behalf of the applicant. He said that the footprint of the project has a footprint of approximately 30,000 square feet. Overall, the building is approximately 100,000 square feet.

Jennifer Sitts explained the zone transition standards that apply to the site being considered by the applicant.

Mr. Roach said that the proposed project has significant buffering that exceeds the 40 foot requirement. He added that the goal is for the project to fit well within the residential nature of the site as well as transitioning into the commercial area. He described the building as having cascading rooflines and articulated walls that will allow it to fit in architecturally.

Mayor Hunter reminded everyone that this ordinance is not project specific.

Councilmember Franich said that building size requirements in the B-2 and C-1 zones need to be broadened to include all uses, not just commercial structures.

**MOTION:** Move to adopt Ordinance No. 1030 allowing Independent Living Facilities as a conditional use permit in the B-2 zone.  
Ekberg / Franich – unanimously approved.

4. Second Reading of Ordinance – Standing and Special Council Committees. Mark Hoppen explained that amendments to this ordinance reflect the issues discussed at the Council Retreat.

Councilmember Payne asked if notes would be taken at these meetings and Councilmember Young agreed that this is something that he would like to see done. John Vodopich explained that they have begun recording the Community Development Committee sessions but minutes have not been produced.

Councilmember Franich asked which committee would discuss parks. Mark Hoppen explained that either the Planning and Building committee or the Operations and Public Projects committee could discuss parks issues. He pointed out that there now is a Parks Commission. Councilmember Franich recommended adding the word “parks” to the Operations / Public Projects Committee to clarify that this would be the appropriate group for the Parks Commission to submit information.

**MOTION:** Move to adopt Ordinance No. 1031 with the amendment to add the word “parks” to the Operations and Public Projects committee.  
Dick / Conan –

Councilmember Young asked if the existing Community Development Committee, with the addition of Councilmember Payne, would continue to work on the critical areas ordinance. Mayor Hunter agreed that this group should continue as a special committee.

**RESTATED MOTION:** Move to adopt Ordinance No. 1031 with the amendment to add the word “parks” to the Operations and Public Projects committee.  
Dick / Conan – unanimously approved.

### **NEW BUSINESS:**

1. YMCA Letter of Intent. Mark Hoppen explained that this letter of intent has been authorized by the PenMet Parks District in support of the addition of pool lanes at the YMCA. This project would have significant public benefit. He said that PenMet Parks District has allocated 1.5 million dollars over several years and it is proposed that the city participate in a prorate basis of \$250,000 for years 2007 and 2008. He introduced representatives Barb Herbert and Bob Ecklund from the YMCA, and Marc Connelly from PenMet Parks District to answer questions.

Bob Ecklund, CEO - YMCA of Tacoma/Pierce County. Mr. Ecklund introduced Barb Herbert, VP of Financial Development, and Tom Taylor, a volunteer. Mr. Ecklund gave an overview of the project, saying that they hope to be open by the fall of 2007. He explained that market research show that pools are one of the top two priorities for recreation. The Phase I project of 74,000 s.f. will have a warm-water pool with zero entry to allow for great access for children and those with disabilities. The collaboration effort will allow the addition of six lap lanes to the water complex. Mr. Ecklund further

explained that one out of seven members in the facility will be on financial assistance. With the coordination efforts with PenMet Park District, an effort will be made to allow every citizen on the Peninsula a couple of free admissions. In addition, membership fees will be based on a sliding scale based on the school lunch program. He mentioned the effort to collaborate with other local entities to enhance youth programs. Without partnering, this pool project would cost approximately 8-10 million dollars and \$300,000 in on-going maintenance. Through partnering, the YMCA assumes all long-term liabilities and all responsibility for the project.

Councilmember Payne asked for the cost of the total project. Mr. Ecklund responded that the total project, with land, will cost approximately 19 million dollars. The cost of just the swim lanes alone is in excess of two million.

Councilmember Franich asked about membership costs. Mr. Ecklund said that at this time it would cost approximately \$150 to rent the pool and adjacent room for a party. Monthly dues will range from \$20 for a child on up to \$48 for an adult.

Councilmember Kadzik asked for clarification on pool rental, the voucher system and team night. Mr. Ecklund responded that pool rental costs would be the same for members and non-members. He then said that the intention is that each member of a household would be able to come to the "Y" for free four times per year. On Saturday evening "teen night" they will have access to the entire facility.

Councilmember Franich complimented Mr. Ecklund on the project which he said will be great asset to the community. He questioned the appropriateness of spending citizen's dollars for a facility that collects dues.

Councilmember Dick asked if somewhere within the contract the services that are available to the general public as a result of the city's contribution could be specified. Mr. Ecklund responded that this is the intention.

Mayor Hunter said that a recent article in the paper said that there are over 4,000 kids in the community looking for something to do. This project will be a positive addition to the community.

Councilmember Payne asked if any discussion was needed regarding the comments by the city attorney. Councilmember Young said that he thought these concerns could be addressed in the final contract, adding that the letter of intent doesn't contain any actual obligation.

Carol Morris said that there is nothing to explain how the letter of intent would be interpreted. She advised that for clarity, the letter of intent should include any specific provisions. After further discussion, Ms. Morris suggested approval of the letter of intent subject to conditions in her e-mail. Then, the letter of intent wouldn't indicate that Council has waived the ability to raise objections at a later date.

Councilmember Kadzik asked about having the letter come back with the actual conditions stated. Councilmember Young suggested a motion that Council agrees with the letter of intent subject to these issues being resolved to satisfaction with the final contract.

**MOTION:** Move to authorize the City Administrator to sign the letter of intent to include the issues addressed by the Council and the City Attorney in her memo.  
Franich /

Carol Morris suggested a change to the motion to which Councilmember Franich agreed.

**MOTION:** Council authorize the City Administrator to sign the letter of intent but add a provision that states that the City Council's approval of the letter of intent does not mean that the City Council has waived its ability or intent to raise the issues in her e-mail of February 6<sup>th</sup> in the future when negotiating the agreement between the parties.  
Franich / Conan – unanimously approved.

Councilmember Young said how much he appreciated being contacted by the "Y" to explain the benefit of the pool. It will be of competition caliber and well worth the money.

2. First Reading of Ordinance – Acceptance of the Donation of a Salmon Sculpture.  
Mark Hoppen explained that the city is required to accept donations by ordinance. He said that this salmon sculpture was part of the auction earlier this year. The sculpture will be located in the alcove in front of the Community Development Department. He said that unfortunately the donators, Ethan and Brenda Golf, could not be present this evening.

Councilmember Payne asked if the Golfs would be acknowledged in the display. Mr. Hoppen said that he was sure they would.

Councilmember Ekberg asked if this had gone through the Gig Harbor Arts Commission for approval of public art placement. Mr. Hoppen said that he would forward this to be discussed at their meeting tomorrow evening.

Councilmember Franich asked if the city was making a permanent commitment for placement of the sculpture. Mr. Hoppen responded that the city has latitude to move the sculpture in the future.

Councilmember Payne commented that the Golfs are great citizens of the community that have a significant impact in many ways. This is a wonderful gift that should be recognized in an appropriate way.

This will return for a second reading at the next meeting.

3. First Reading of Ordinance – Performance Based Height Exception - Museums. John Vodopich presented this text amendment brought forward by the Gig Harbor Peninsula Historical Society which would add museums to the list of performance based height exceptions. The Planning Commission has considered the text amendment and recommends approval of the ordinance. Mr. Vodopich noted that several changes have been suggested by the city attorney and are shown highlighted in the document. He specifically identified one change in Section 4 that the view criteria exception for museums be limited to artifact display.

Jennifer Kilmer – Executive Director, GPHPS. Ms. Kilmer explained that the reason for the code amendment is the large artifact, the purse seiner “Shenandoah.” She said that the text amendment is consistent with the current application of this chapter of the code and that museums were not intentionally left out at the time of adoption. She stressed that passage of the code amendment doesn’t immediately result in development of the new museum site, and the project still requires separate Hearing Examiner review. She added that this is a priority for the museum as they are hopeful to move forward with design review.

This will return for a second reading at the next meeting.

4. First Reading of Ordinance – Animal Control. Chief Mike Davis explained that this ordinance was precipitated by the need to find animal control services now that Pierce County no longer provides the service. Evaluation of the city’s current animal control ordinance found it lacking in several ways. This ordinance also reflects changes in state law.

Councilmember Young asked for clarification on the term “Municipal Court Hearing Examiner. Carol Morris explained that this ordinance appoints the Municipal Court Judge to act in a civil capacity rather than a criminal capacity. The judge, when acting in this capacity, is then referred to as the Municipal Court Hearing Examiner.

Chief Davis and Carol Morris further explained that this is not part of the criminal code because it involves the possible seizure of property, which is patterned after a civil process. At a point, it may become criminal.

Chief Davis addressed questions regarding licensing, and the animal control authority. He explained that Kitsap County would provide the pick-up service. The police officers can make the determination on whether or not an animal was a potential danger, and then call KHS to pick up the animal. Last year the city had one dangerous animal call in which a pit bull injured an 18 month old girl.

Chief Davis continued to explain that the hearings would be held in house with the assistance from Kitsap County. Councilmember Dick asked for further clarification on who makes the determination if someone is in violation of the code. Chief Davis explained that it would be a collaborative effort with the Gig Harbor Police and Kitsap

Humane Society. KHS would attend the hearing as a witness to the proceedings. Carol Morris further clarified the procedure in which a decision is issued. The animal owner can then appeal the decision to the Municipal Court Judge.

This will return for a second reading at the next meeting.

5. Eddon Boat Park Building Demolition and Brush Clearing – Construction Contract Authorization. Steve Misiurak, City Engineer, presented this contract to demolition and brush clearing on the Eddon Boat property.

Councilmember Young asked about additional costs associated with demolishing the house at a later date. Mr. Misiurak responded that would be a remobilization fee of approximately \$3000 - \$4000. He then addressed questions regarding insurance requirements and aspects of the scope of work such as grading and tree removal.

Councilmember Ekberg explained that the line of fruit trees and evergreens were to be saved. The park planning will take place after the site is cleaned up.

**MOTION:** Move to authorize the award and execution of the contract as recommended.  
Payne / Ekberg – unanimously approved.

**STAFF REPORT:**

1. Dave Brereton, Director of Operations – Wollochet Overpass Pavement Repair. John Vodopich said that at the last council meeting Staff was directed to contact the State Department of Transportation regarding minor pothole repair on the onramps. He found that the crew could respond to calls related to potholes and that DOT has a contract to repave this area this spring or summer.

Councilmember Franich discussed the problem with the overpass abutments and said that he would like the crew to level this. He said that it was ridiculous to not be able to do something to fix this. John Vodopich clarified that this was part of the scope of work for the state project. Council asked staff to come back with an estimate for what it would cost and then a decision could be made.

2. Dave Brereton, Director of Operations – Landscaping Improvements at Stinson Avenue and Pioneer Way. Mayor Hunter explained that the triangle in front of Venture Bank is the gateway to the community, and needs to be made more presentable. Mayor Hunter said that he had asked Dave to get an estimate for design work and the operations crew could do the improvements.

Dave Brereton, Operations Manager, gave an overview of proposed project and asked if Council wanted him to move forward with a formal contract for the design. Councilmembers agreed that he should bring back a design contract for landscape, irrigation, hardscape, lighting, and signage layout.

3. Steve Misiurak, City Engineer – Briarwood Pedestrian Improvement Project. Steve Misiurak said that staff is requesting Council approval for the transfer of construction funds allocated to the 45<sup>th</sup> Street Pedestrian Improvement Project towards the Briarwood Improvement Projects as discussed in the Council Retreat. Council concurred with the transfer of funds.

4. Mike Davis, Chief of Police – GHPD Monthly Report for January. Chief Davis reported on the number of hit and runs and the department's policy on false alarms.

**PUBLIC COMMENT:**

Russ Ellis and Erin Nicks – Youth Force Nutrition Systems. Mr. Ellis and Mr. Nicks presented information on this program to get the local youth population into shape to participate in sports. They discussed the Gig Harbor Bulldogs and the Greater Puget Sound Youth football teams, and how working with them brought about the realization that many kids have weight issues. Youth Force Nutrition Systems was formed as a non-profit organization to address the issue of both obesity and hunger. They have been working with Peninsula School District and P.A.A. and know that there are other organizations such as the YMCA that can assist in their success.

**COUNCIL COMMENTS:**

Councilmember Ekberg commented that the overhead projection worked well during the meeting. He then commented on the use of the "special message" notation on utility bills. He suggested that this is one more chance to communicate with the public and it should be used more often.

Councilmember Kadzik said that it seems rude that you look at the back of the person giving public testimony. He said that it would be easier to look at the person, and perhaps the podium could be moved over and the screen and projector be moved to the other side.

**ANNOUNCEMENT OF OTHER MEETINGS:**

Gig Harbor North Task Force – February 22, 2006 - 9:30 a.m. in Community Rooms A & B at the Civic Center.

Mayor Hunter announced that the Tax Increment Financing Bill passed the House 94 to 1 on Saturday. It is now on to the Senate Ways and Means Committee and then to the Senate Floor.

**EXECUTIVE SESSION:** For the purpose of discussing potential litigation per RCW 42.30.110(1)(i).



**MOTION:** Move to adjourn to executive session at 8:35 p.m. for approximately thirty minutes to discuss potential litigation per RCW 42.30.110(1)(i).  
Franich / Young – unanimously approved.

**MOTION:** Move to return to regular session at 9:05 p.m.  
Young / Ekberg – unanimously approved.

**MOTION:** Move to go back into executive session for another thirty minutes.  
Young / Franich – unanimously approved.

**MOTION:** Move to return to regular session at 9:24 p.m.  
Franich / Conan – unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:24 p.m.  
Franich / Young – unanimously approved.

CD recorder utilized:  
Disk #1 Tracks 1 – 19.  
Disk #2 Tracks 1 – 9.

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Charles L. Hunter, Mayor

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Molly M. Towslee, City Clerk