

GIG HARBOR CITY COUNCIL MEETING OF MARCH 26, 2007

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

CALL TO ORDER: 6:00 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 12, 2007.
2. Rosedale Street Repaving Project – Bid Award.
3. Rosedale Street Repaving Project – Materials and Testing Services Contract Authorization.
4. Stinson Avenue Sidewalk Project – Contract Authorization.
5. Burnham / Prentice Sidewalk Project – Contract Authorization.
6. Street Lights – Purchase Authorization.
7. Civic Center Roof Cleaning and Moss Treatment – Contract Authorization.
8. Liquor License Renewals: Green Turtle.
9. Special Occasion Liquor License: Prison Pet Partnership.
10. Approval of Payment of Bills for March 26, 2007:
Checks #53109 through #53256 in the amount of \$971,395.09.

MOTION: Move to approve the Consent Agenda as presented.
Franich / Conan - unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Flood Plain Regulations. John Vodopich, Community Development Director, presented this ordinance that would allow residents to continue to participate in the National Flood Insurance Program.

MOTION: Move to approve Ordinance No. 1074 as presented.
Payne / Ekberg - unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Comprehensive Plan Amendment Process. John Vodopich explained that this ordinance establishes the procedure for amending the City's Comprehensive Plan consistent with state requirements. He noted that the draft ordinance was forwarded and approved by the Washington State Department of Community Trade and Economic Development.

Councilmember Young asked how the proportionate share of cost would be determined. Carol Morris, City Attorney, explained that this is addressed in the SEPA ordinance. He

then asked if the February deadline to submit updates meant that this would not take effect until next year and why there is no deadline for the city to process the updates.

Ms. Morris said that the February date is arbitrary and could be changed, adding that she did not recommend requiring that processing of an application be done in any certain year. The city is not required to process a legislative amendment by any particular time; only quasi-judicial land-use applications. She cautioned that a deadline might cause someone to try and force adoption of an amendment by a particular date. She added that there is no problem with a policy to try and make sure that amendments are processed and a final decision issued in the same year, but once codified, it could be used against the city in a legal action.

Councilmember Young voiced concern that this might cause an inconvenience for an applicant. He said that he was hoping for a more regimented process as other jurisdictions have done. Ms. Morris explained that there will be cases in which there is more than one hearing and a longer process for certain types of applications. Because you have to process them in a cumulative fashion, it might take longer if you have several. To have a regimented process, and then deny an application due to an overburdened schedule, may result in an applicant thinking they need to appeal the denial. She would then have to appear before the Growth Management Board to explain the appeal.

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

2. Resolution – Police Vehicle Purchase. David Rodenbach, Finance Director, explained that this resolution is required by the State Treasurer's program to participate in the program whereby smaller purchases are aggregated and sold as one bond. This is to finance the seven police vehicles approved in the 2007 Budget. He said that there will be an ordinance at the next meeting for the financing contract and that the funding should be expected the first part of June. He assured Councilmember Franich that this in no way obligates the city to purchase more vehicles in the future.

MOTION: Move to approve Resolution No. 704 as presented.
Kadzik / Conan - unanimously approved.

STAFF REPORT:

1. Estuary Park Update. John Vodopich gave an overview of the plans for the Estuary Park (Scofield Property). He explained that this will be done in a two-phased approach, with the first being general improvements to allow accessibility to the site. The second phase slated for 2008 is to develop a master plan for the facility. Some ideas discussed are a boardwalk, picnic area, and enhanced environmental vegetation. The majority of the first phase work will be done in conjunction with the Parks Appreciation Day on April 28th.

2. Water Capacity Availability Report. John Vodopich explained that at the end of 2006, the city issued 854 Equivalent Residential Units of water for a total of 268,284 gallons per day. That leaves a balance of approximately 1,400 ERUs. He pointed out

that there is a pending water rights application with the Department of Ecology submitted in 2002 for 1,000 acre feet per year; or around 2,000 ERUs. He said that obtaining water rights is a lengthy process and explained that the significant projects that are currently in process were granted concurrency rights in 2006. He was urged to keep an eye on the application to avoid having to spend additional money in order to process the application faster.

3. Legislative Update. Rob Karlinsey, City Administrator, reported that the city had a good week in the State Legislature:

- The House of Representatives released the Capital Budget Proposal which included several of the city's requests, most notably, the 5 million dollar CERB Grant.
- Also included was money for Westside Park, but at a reduced amount of \$233,000. He said that we are working with Senator Kilmer to see if this can be raised back up to the \$300,000 request.
- The Aquatic Lands Enhancement Account for the Estuary Park was not funded and he is not hopeful that the necessary increase to the ALEA fund will occur to allow this funding.
- The request for the Eddon Boatyard Restoration is fully funded on the House side and will most likely also be funded with the Senate.
- He noted that the Senate will release their Capital Budget on March 27th and when they two get together, it will be the time to work with the city's representatives to ensure full funding for projects.
- The Heritage Barn Preservation Fund, which was included at \$500,000 statewide. The city will be able to apply for funding, as our project is a prime for the program.
- A new bill would change the NASCAR proposal so that the project would still get Tax Increment Financing, but it would be able to locate within the State, and it would require a public vote. He said he would continue to monitor the bill.

Councilmember Young commented that the issues that Representatives Lantz and Kilmer have with the NASCAR Project is the direct contribution from the State and concerns with traffic mitigation. Councilmember Franich added that another of their concerns is whether Kitsap County is the right place for the facility.

Rob Karlinsey then reported that David Rodenbach, Finance Director, traveled to Olympia to testify on the Hospital Benefit Zone Technical Fix Bill, which went well.

4. City Council and Committee Proposed Schedule of Topics. Rob Karlinsey explained that he took the comments made during the Council Retreat by committee and has proposed a schedule. He pointed out that there are dates in which he proposes to do two things in one evening. He said that this could be amended if Council isn't comfortable with this schedule.

5. St. Anthony's Hospital Update. Rob Karlinsey said that Mayor Hunter and he had a very productive meeting with representatives from the hospital. They discussed the need to coordinate on the CERB Grant if approved. A permit for a medical office will be coming this summer and they hope to get issuance in the fall. He added that staff will continue to make sure that the appropriate resources are available.

6. Concurrency for Boys & Girls Club. Rob Karlinsey said that staff is working with representatives from the Boys & Girls Club to address the traffic concurrency issue. One possibility is allowing the transfer of vested trips from one project to another, and if Council would like, an ordinance to change the code could be drafted for review by the Operations Committee. He added that the Historical Society is also facing similar issues and this would benefit them as well. He gave a brief description of the problem facing the Historical Society in selling their surplus property in order to move forward with the museum project.

Carol Morris, City Attorney, pointed out that there is a pending application that prevents Council from discussing the specific Museum Project.

Councilmember Dick asked for the logic of trading traffic concurrency at one site to one in another area of the city. Mr. Karlinsey responded that it would only allow trading concurrency at the same location or intersection.

Councilmember Kadzik recommended sending this to the proper Council Committee for further review. Mr. Karlinsey agreed, adding that of all the options that have been discussed, this seems to be one that can work.

Councilmember Franich asked if an interlocal with Pierce County for the Boys and Girls Club is being explored. Mayor Hunter said that he sent information to County Councilmember Terry Lee's office for review at the beginning of the year, but hadn't heard back. There is some question on the city's intent.

Councilmember Young explained that the original proposed interlocal was with the Peninsula Parks District, which no longer exists. When the proposal was drafted, the notion was to define what services the city would receive for its contribution. The city was interested in senior services and was willing to provide \$150,000 in exchange for this organization to provide this. It was never the intent of the city to operate the facility, and that was the reason for an interlocal with the County. Since the Peninsula Parks District is gone, the County no longer believes that it is their responsibility.

Mayor Hunter said that it is the intent of the Boys and Girls Club to run the Senior Center. He suggested that when an agreement for traffic concurrency is reached, that an agreement for running the facility be finalized at the same time.

Mr. Karlinsey added that PenMet Parks will also have a presence at the facility which might result in a three-way agreement.

Councilmember Franich said that he recalls that the \$150,000 for five years was based on the approval of an interlocal agreement. He said that he would like to know the breakdown of use of the facility by city residents versus county residents, and how that relates to how much the county is funding.

Councilmember Ekberg added that the city did not ever plan to run the whole program for Seniors; the county was going to share in the cost. The county's land donation equated to \$500,000, and originally, the city was asked for more than 1 million dollars, which didn't seem equitable. The County was to come back with a program with their share of contribution for the Council to review. He said that an agreement should show what services will be provided, and then the Council can decide a level of participation.

Councilmember Dick asked if PenMet is willing to contribute towards having park services located at the same location. Rob Karlinsey responded that they are expecting to do so.

Mayor Hunter said that the exiting draft interlocal isn't clear, and requested a commitment from the Council to further discuss and define the agreement.

Councilmember Young responded that he is willing to meet and discuss this further. He then commented on the concurrency transfer issue, saying that there should be some cap on the number of transferable trips in order to avoid an artificial market. He then asked if it would be possible to limit transfer of trips to non-profit or essential public facilities.

Mr. Karlinsey responded that Carol Morris said that this may not be feasible, and suggested placing a sunset date on the ordinance to prevent some of the concerns voiced by Councilmember Young.

Councilmember Payne asked for a copy of all past minutes in which the intent of Council to participate in the Boys & Girls Club was discussed. This would allow the newer members to get up to speed before any further discussion.

Councilmember Franich suggested that after reviewing the minutes, Council could forward comments and concerns to the City Administrator before this is referred to committee. He said that his concern is equity and making sure that the County is paying their fair share.

Councilmember Young interjected that the County isn't going to contribute. Mayor Hunter said that this hasn't been discussed in any detail, but there needs to be a starting point to begin the discussions.

PUBLIC COMMENT:

Jeannette Bowers – 7706 Chinook Avenue. Ms. Bowers voiced concern with the delays in dealing with an illegal business being run out of a residence on Chinook. She explained that she has been dealing with city staff for a year and the business is still operating. This causes traffic concerns and safety issues on this sub-standard road. She said that she hopes that the city can set a time limit in which to resolve these types of issues.

Councilmember Franich asked if staff is aware of this. Mayor Hunter explained that the current regulations have no teeth in which to prosecute or to get illegal businesses to close down.

Ms. Morris responded that she learned of the need to enforce this violation a couple of weeks ago, and that she needs to cure some defects in the original Notice of Violation before a suit can be filed in Superior Court. She gave an overview of the current process outlined in the municipal code. She said that there will be a delay in dealing with the illegal business on Chinook while she cures the defects in the notice, but now that she is aware of the violation, she will be bringing this back to Council for further direction for enforcement.

Councilmember Young asked why this has been going on for a year. Mayor Hunter explained that there is a process that needs to be followed. He apologized that it has taken longer than it should.

Ms. Bowers responded that the Notice of Violation was sent to the non-resident of the house in November, then explained that there are actually two businesses being run from the residence, which double traffic concerns. She said that a request to lower the speed limit from 25 to 15 mph had been denied by the city and she doesn't want to bother the police with this. This is the reason she has come before the Council to let them know about the problem.

Councilmember Payne asked Ms. Morris about fines. She responded that penalties are accruing, but because the Notice of Violation was filed on the wrong person, the penalties will start anew when the revised notice is filed.

Councilmember Dick asked if the public nuisance law would apply to this illegal activity and if so, would this be a more effective way to approach the problem. Ms. Morris responded that it is true you could enforce through the public nuisance rules, but it is sometimes difficult to use when there is an actual violation process in the code. She said that the next step will be to bring this back to Council if the corrected Notice of Violation is not appealed to the Hearing Examiner.

Mayor Hunter said that he would like to see a better way to enforce these types of issues. Ms. Morris suggested increasing the fines and to issue the Notice of Violation as soon as the illegal activity is identified.

Councilmember Payne said that he is interested in tougher regulations to put folks on notice that they cannot run professional businesses in residential zones area unless they follow the code.

MAYOR'S REPORT / COUNCIL COMMENTS / COUNCIL COMMITTEE REPORTS:

Councilmember Kadzik reported that he is attending the Main Street USA Conference this week along with Tom Dolan and Steve Lynn from the downtown business owners'

organization. He said that it is a very interesting program and he is pleased to see this topic on a future Council agenda.

Councilmember Payne said that he and Councilmember Conan would like to restart the Council Coffee Public Forum meetings. He said that he will contact the City Clerk to get these set up. Councilmember Young offered to help out with any of the scheduled meetings as his committee only meets once.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, April 18, 2007, at 9:00 a.m. in Community Rooms A & B.
2. Joint Finance/Safety – Operations Council Committee Meeting to discuss the Eddon Boatyard Business Proposal – April 2nd at 3:30 p.m. in the Operations Conference Room.
3. Operations & Public Projects Committee – Thursday, April 19th at 3:00 p.m. in the Eng/Op Conference Room.
4. Daylighting of Donkey Creek – Thursday, March 29th at 6:00 p.m. at Harbor Ridge Middle School.

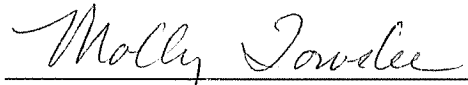
ADJOURN:

MOTION: Move to adjourn at 7:04 p.m.
Franich / Payne – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 35



Charles L. Hunter, Mayor



Molly Towslee, City Clerk