

GIG HARBOR CITY COUNCIL MEETING OF JUNE 25, 2007

PRESENT: Councilmembers Young, Franich, Conan, Dick, and Payne. Councilmember Kadzik was absent and Councilmember Ekberg acted as Mayor Pro Tem.

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 June 11, 2007 and Public Safety Workshop.
2. Correspondence / Proclamations: a) AWC Grant Award; b) Scandinavian Heritage Week.
3. Receive and File: No Finance / Safety Committee on 6/13.
4. Eddon Boat – Anchor Environmental Contract Amendment No. 8.
5. Resolution - Personnel Policies Amendment – Sick Leave Cash Out.
6. Resolution – Surplus Equipment.
7. Liquor License Renewals: The Keeping Room; Harbor Rock Café; Hunan Gardens; Kinza Teriyaki; Spiro's.
8. Liquor License Change of Corporate Officers – Tides Tavern.
9. Approval of Payment of Bills for June 25, 2007:
10. Checks #54501 through #54634 in the amount of \$436,175.54.

MOTION: Move to approve the Consent Agenda as presented.
Young / Conan – five voted yes. Councilmember Franich voted no.

RECOGNITION CEREMONY: Blessing of the Fleet / Maritime Gig.

Mayor Pro Tem Ekberg read the certificates of recognition into the record before presenting them to John Oldham, Blessing of the Fleet Committee, and Kim Hails, Executive Director of the Gig Harbor Chamber of Commerce, for these two special events.

OLD BUSINESS:

1. Second Reading of Ordinance – Two Ordinances Adopting Text Amendments Recommended in Phase 1b of the Design Review Process Improvements Initiative (Zone 07-0023 & 07-0024). Jennifer Kester, Senior Planner, described ordinance updates to include all five design review options to mirror the procedure section of the zoning code. She explained that Kurt Latimore and Tom Dolan are present to address concerns voiced at the last meeting.

Kurt Latimore, The Latimore Company, described the difference in how the design review process fit into the permitting process now and how it would it would run concurrently if the proposed ordinance is adopted.

Tom Dolan, Planning Director, addressed the question of tracking the 120 day time limit. He said that he is confident that staff can use the Interlocking Permit Tracking Software to help track time.

Councilmember Payne asked for clarification on how this would work. Mr. Dolan explained that there is a separate module to place a tickler on the calendar. He said that the Planner would put a date in when the letter advising the customer that the application is complete, then the countdown of days would begin. During the 120 days, if something came up, the Planner would stop the countdown. He said that project status would be discussed each week during the staff meeting.

Rick Gagliano – 8607 58th Ave. NW. Mr. Gagliano, a member of the Design Review Board, said that he views the proposed amendments to the process as a positive development. He said that this is really going to give the design review process an open feel and will foster more cooperation.

Councilmember Young asked if there is anything in the code to prevent an applicant from using the Design Review Board as a defacto approval and to help avoid wasting both staff and DRB time. He also asked if the DRB has the ability or authority to refuse to review a project.

Kurt Latimore responded that before an application goes before the Design Review Board, the Planning Department prepares a project synopsis. If the project is out of compliance, this would be reflected in the report which goes before the Hearing Examiner.

Carol Morris, City Attorney, said that the Design Review Board could make a decision during their meeting to forward a recommendation to the Hearing Examiner that they wish not to review a project.

MOTION: Move to adopt Ordinance No. 1092 regarding Timing of Clearing as presented.

Dick / Payne – unanimously approved.

MOTION: Move to adopt Ordinance No. 1093 regarding the Design Review Procedures as presented.

Payne / Conan – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Public Disclosure Requests. Carol Morris presented this ordinance that summarized the procedures that the city uses to process public

disclosure requests. She summarized amendments submitted by Councilmember Dick that will be incorporated before the second reading.

Molly Towslee, City Clerk, gave an overview of how requests for records are processed in response to concerns voiced by Councilmember Franich that the process would be too restrictive. This will return for a second reading at the next meeting.

2. First Reading of Ordinance – Amendment to 8.30.010 – Prohibiting Use of Skateboards, Scooters and Roller Skates on City Streets. Bill Colberg, Lieutenant, presented the background for this ordinance that would extend the prohibition of skateboards, scooters and roller skates on the city’s arterial streets.

Councilmembers discussed concern that this would prohibit kids from recreating in their neighborhoods and it would result in an increase in complaints if they do. Another comment was made that inline skaters would not stop to take off their skates when crossing the street.

Rob Karlinsey, City Administrator, said that he would work with staff to develop language to address these concerns before the next reading. John Vodopich, Community Development Director, suggested adding “through streets” as one option.

3. Tides Tavern Tidelands Lease. Carol Morris explained that when Peter Stanley asked to renew an easement for the Harborview Drive Street End as well as the tidelands adjacent to his business, it was her suggestion to use an encroachment permit for the street end and the use of the tidelands through a lease. Mr. Stanley has submitted an encroachment permit application, and what is before Council is a lease that she negotiated with Mr. Stanley’s attorney.

Ms. Morris said that there are a couple of provisions that Council should consider. The attorney made it clear that the lease for floats on the city’s tidelands is not going to allow public use; it is only for people to tie up their boats and then to walk up to the Tide Tavern. This results in a lease of public property for private use for twenty years. She recommended that because it is such a small amount of amount being proposed, Council consider whether this is appropriate and if the property should be evaluated for any future public use.

Peter Stanley – 602 No. ‘C’ Street, Tacoma. Mr. Stanley, owner of the Tides for 34 years, said that he had a 20 year agreement with the Department of Natural Resources as well as the city that he wants to renew. He addressed the comment of “no public use.” He said that as a restaurant, they can refuse service to anyone, and according to the liquor rules they must refuse service to certain people. He said that he needs to retain that same right on his docks. He further explained that the floats have been there for over 34 years. He said that they have signed a 20-year lease with DNR and he is proposing to pay the city the same square foot amount being paid to DNR, which is the amount proposed by city staff in November. He stressed that this is a very small amount

of property; five feet by six feet at the extreme seaward end of the street end. Mr. Stanley asked for consideration for his lease, and offered to answer questions.

Mayor Pro Tem Ekberg asked if the docks were posted for Tides use only. Mr. Stanley responded that they are not. He said that there has been a general agreement to be flexible, but due to the pressure on public docks, they may have to do something.

Councilmember Young said that because this cuts off public access the city should be careful in considering a 20-year lease. He recommended a shorter term such as five or ten years. Councilmembers further discussed a shorter term with automatic renewals.

Mr. Stanley said that he would be amiable to a ten year lease, but anything shorter, he would like to consult his attorney. He said if something were to come up the city has the option to condemn.

Ms. Morris explained that this is a lease and wouldn't require condemnation, but the city would have to break the lease and suffer any consequences. She said she will bring back an amended lease with a five year term with three automatic renewals as discussed by Council. She also pointed out to Mr. Stanley that on pages 15 and 16, she made changes that he also might want to run by his attorney.

4. Gig Harbor BoatShop Lease Agreement. Rob Karlinsey asked Council to consider the lease agreement in the packet as a draft, as they continue to negotiate a few items. The amended agreement will be back on the July 9th agenda.

5. Planning Commission Work Program. Jennifer Kester, Senior Planner, presented this update to the work program for the Planning Commission and gave an overview of the five text amendments added since the last update.

MOTION: Move to approve the Planning Commission Work Program as presented.
Payne / Conan – unanimously approved.

6. Request to Purchase City Property – Richards. John Vodopich reported that additional information had been gathered at Council's request. He said that the adjacent property recently sold for approximately \$25.65 per square foot. Using this figure as a comparable for determining the fair market value of the city's property, it is estimated to be valued at \$161,595.00. He further explained that the City Attorney has suggested a competitive bidding process to ensure that the City receives fair market value for the property.

Councilmember Young agreed that it should be taken to a competitive bidding process as it wouldn't be appropriate as a pocket park. He suggested that perhaps a provision could be made for a public amenity in addition to the sale. Councilmember Payne agreed, also agreeing that a minimum amount should be set.

Councilmember Franich said that he thinks providing open space is important, and because the B-2 zone is already highly developed. He said that he would support the sale of this property if Council would commit to dedicate the money from the sale to road improvements. The other Councilmembers agreed.

MOTION: Move to direct staff to advertise and put the 6,300 square feet of property near the old WSP Building out to competitive bid and upon execution of the sale of the property, place the funds into a road improvement program. Franich / Conan – unanimously approved.

7. Resolution Rejecting Proposed Text Amendment to the PCD-BP Zone (ZONE 07-0019). Jennifer Kester provided the background on this proposed text amendment submitted by Dale Pinney of SHDP Associates, LLC to modify the land use matrix to allow independent living facilities, assisted living facilities and skilled nursing facilities as permitted uses in the Planned Community Development Business Park district. She said that the Planning and Building Committee identified several concerns, and has made a recommendation to reject the proposed text amendment. She said that a resolution rejecting the text amendment has been prepared, or the other option would be to forward this to the Planning Commission for consideration.

Dale Pinney, SHDP – 8129 Lake Ballinger Way, Edmonds, WA. Mr. Pinney used a map to illustrate that a very small area would be affected by this proposed text amendment. He said that the synergy of medical offices is moving northward toward the hospital and they are regrouping to decide what they can do with their property. When a suggestion came up for an assisted living facility, they thought it reasonable request a text amendment. He named all the other areas in which this use is allowed, then added that the focus in the committee report is that this use doesn't meet the intent of the zone. He stressed that none of the intents of the other zones include assisted living facilities as fitting into those areas and this is why they felt it should also be allowed in the PCD-BP Zone. He said that it is an issue of fairness.

Councilmember Young said that he agrees that there are issues with the compatibility of such facilities in the ED zone and that he understands the logic of why the proposal came forward. He added that he would vote on the resolution to reject the proposed text amendment as he doesn't want to give up any more BP zoning.

Councilmember Conan said that amending the ED zone is part of the work program for the Planning Commission. There are other issues that were brought to light by the matrix and there may be other zones that this use is not appropriate. He said that he too will vote for the resolution.

MOTION: Move to adopt Resolution No. 720 rejecting proposed text amendment to the PCD-BP zone (ZONE 07-0019).
Young / Conan – unanimously approved.

8. Emergency Resolution to Waive Competitive Bidding Process for Replacement of Traffic Signal Structure and Authorization of Construction Services Contract. Steve Misiurak, City Engineer, explained this resolution would authorize the waiving of competitive bidding requirements to repair a damaged traffic signal at Hunt/Wollochet for safety reasons.

MOTION: Move to adopt Resolution No. 721 waiving the competitive bidding requirements and approve and authorize the construction services contract with Totem Electric of Tacoma, Inc. for the removal and replacement of the damaged traffic signal pole for a lump sum amount of approximately \$17,000.00

Young / Conan – unanimously approved.

9. Interlocal Signal Agreement with WSDOT. Steve Misiurak presented this addendum to the master signal agreement with WSDOT to add additional sites.

MOTION: Move to authorize Council to approve and the Mayor to sign the Agreement with WSDOT Signal Assignment No. 2 Agreement No. GMW-0008.

Payne / Conan – unanimously approved.

10. SR-16 Interchange Project Management and Consultant Oversight Contract. Steve Misiurak explained that this contract is for assistance with project management and contract oversight of the design of the BBC-16 Project. He added that the city would expend no funds for this service, as it is funded by the Franciscan Health System. He answered questions regarding the scope of work.

MOTION: Move to authorize the consultant services contract for Stephen B. Lovell & Associates for preparation of the Documented Categorical Exclusion for the SR-16 Interchange Project for the not-to-exceed amount of Thirty Thousand Eight Hundred Fifteen Dollars and No Cents (\$30,815.00).

Payne / Conan – five voted in favor. Councilmember Franich voted no.

STAFF REPORT:

1. Gig Harbor Police Department – May Report. No verbal report given.

2. Marine Patrol Boat Grant Update. Sergeant Kelly Busey presented a comprehensive presentation on the merits of replacing the city's marine patrol boat. He discussed partnership and grant opportunities for funding assistance and described how these partnerships could work. He addressed Council's questions.

Mr. Misiurak then added that he just got notice that the Department of Ecology intends to provide the city with a \$75,000 grant towards the NPDES Phase II Implementation subject to legislative approval.

3. Schedule of Retreat Action Items. Rob Karlinsey reported that this schedule is a follow-up of action items discussed in the Council retreat.

4. Briarwood Sidewalks, 45th Street Sidewalks, and Olympic/56th Road Improvement Project Updates. Steve Misiurak gave a quick update on these three projects and answered questions.

PUBLIC COMMENT: No one came forward to speak.

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

Councilmember Young announced that he would have to withdraw from the Intergovernmental Affairs Committee due to an employment conflict. He asked that any other Councilmembers that might be interested in serving on this committee send a note to the Mayor.

Councilmember Payne talked about the success of the recent Community Coffee Event. He said that five people showed up and it was a great opportunity for discussion. He said that they will continue to schedule these. He then added that he will be absent from the July 23rd meeting.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, June 27th, at 9:00 a.m. in Community Rooms A & B.
2. Bridge Opening Celebration – Skansie Brothers Park, July 10th, 5:00 – 8:00 p.m.
3. Finance & Safety Committee – July 12th at 4:00 p.m.
4. Operations and Public Projects Committee – Thursday, July 19th, at 3:00 p.m. in the Engineering/Operations Conference Room.
5. Council Budget Retreat -- Monday, July 30th at 6:00 p.m.

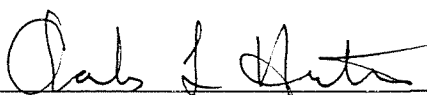
EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30.110(i).

Carol Morris said that the Executive Session wasn't necessary.

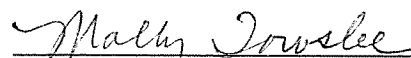
ADJOURN:

MOTION: Move to adjourn at 8:0 p.m.
Franich / Payne – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 33
Disk #2 Tracks 1- 8



Charles L. Hunter, Mayor



Molly Towslee, City Clerk