

## **GIG HARBOR CITY COUNCIL MEETING OF APRIL 14, 2008**

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

**CALL TO ORDER:** 7:15 p.m.

**PLEDGE OF ALLEGIANCE:**

### **CONSENT AGENDA:**

1. Approval of the Minutes of City Council Meeting of March 24, 2008.
2. Receive and File: a) March Building / Fire Stats; b) Gig Harbor North Traffic Options Committee Minutes; c) Operations and Public Project Committee Minutes; d) Intergovernmental Affairs Committee Minutes; e) Master Builders Article - Green Building.
3. Correspondence / Proclamations: a) Parks Appreciation Day; b) Open Government Workshop.
4. Liquor License Application: Kimball Espresso Gallery.
5. Uddenberg Lane - Phase I Environmental Assessment.
6. Purchase and Sale Agreement – Rohwer Property.
7. 2008 NPDES Receiving Water Quality Monitoring Program – Consultant Services Contract.
8. Banking Services Contract Extension.
9. Crescent Creek Shelter & Bathroom Re-roof Contract.
10. Street Naming – Borgen Loop, Cedar Court, Amber Court, Ash Lane, Kinglet Lane, Honeysuckle Lane, and Lark Lane at The Ridge at Gig Harbor.
11. Escrow Agreement for Retainage – Onshore Outfall & Force Main Replacement Project – Pivetta Brothers.
12. Interagency Agreement – Port Security Grant.
13. Resolution – Sole Source Provider: In-car Video Wireless Transfer System.
14. Purchase Authorization – Police Vehicle.
15. General Facilities Charge Analysis and Rate Study – Contract Extension.
16. Liquor License Renewals: The Great Australian Bite; Anthony's; Olympic 76; Kelly's Café; Tanglewood Grill; and Bistro Satsuma.
17. Special Occasion Liquor License: Prison Pet Partnership Program.
18. Approval of Payment of Bills for April 14, 2008:  
Checks #57251 through #57437 in the amount of \$1,394,190.72.
19. Approval of Payroll for month of March, 2008:  
Checks #5060 through #5085 in the amount of \$336,226.69.

**MOTION:** Move to adopt the Consent Agenda with item number six, Purchase and Sale Agreement – Rohwer Property, moved to Old Business. Kadzik / Payne – unanimously approved.

## **PRESENTATIONS:**

1. Parks Appreciation Day – Presentation of Proclamation. Mayor Hunter presented this proclamation to Michael Perrow, member of the Parks Commission, thanking him for the work that the commission is doing.

2. Police Explorer Scout Program - John Tupper, Boy Scouts of America. Mr. Tupper explained that he represents Learning for Life, a subsidiary of the Boys Scouts of America. He said he was present to recognize the Law Enforcement Explorer Post chartered to the Gig Harbor Police Department. He gave an overview of the Explorer Scout program and presented a copy of the charter document that represents the partnership between this post and the Boy Scouts to Chief Mike Davis on behalf of the post. Chief Davis introduced Sgt. Adam Blodgett, a charter member of the post who plans on entering a career in law enforcement.

## **OLD BUSINESS:**

1. Third Reading of Ordinance – Junk Vehicles. Rob Karlinsey, City Administrator, presented this ordinance, giving an overview of the changes that were made before coming before Council for a third reading.

Councilmembers discussed the need to further define “carport.” It was decided not to do it in this document.

**MOTION:** Move to adopt Ordinance No. 1126 as presented.  
**Young / Kadzik** – six voted in favor. Councilmember Franich voted no.

2. Purchase and Sale Agreement – Rohwer Property. Councilmember Kadzik said he wanted this pulled from the Consent Agenda in order to let everyone know that the city has acquired another park property located off Crescent Valley Drive and adjacent to the BMX Park Property.

**MOTION:** Move to accept the purchase and sale agreement for the Rohwer Property.  
**Kadzik / Payne** – six voted in favor. Councilmember Young voted no.

## **NEW BUSINESS:**

1. Design and Engineering Services: Judson / Harborview Improvements. Rob Karlinsey, City Administrator, presented the background on this contract for design services and said that CTS Engineers was selected because they are highly qualified and have proposed to use a sub-consultant, Cascade Design Collaborative which has experience working with historical downtowns and understand the unique qualities of the harbor. He described the proposed scope of work, stressing that there will be plenty of community outreach throughout this summer and this should be back to Council in late August or September.

Councilmember Ekberg asked if there were design examples of local towns that Cascade had worked on. Mayor Hunter said he wanted to be sure we keep the character of the town in the design.

Mr. Karlinsey responded to the question of bid amounts by explaining that the firm was chosen by qualifications and then the price was negotiated, so there were no bids.

Councilmember Franich said it was appalling that the city is going to spend \$400,000 for a design that doesn't get one inch of final product. He asked why this couldn't be done in-house with the recently hired staff.

Mr. Karlinsey said that this project is going to require a substantial amount of work and with all the other projects going on we do not have the ability to design this project. He added that the amount of the contract for engineering and design, which is around 11%, is not out of line with a 3.5 million dollar project. He further explained that the difference in the budgeted amount and expenditure required is that only the design is being done this year.

Councilmember Malich asked about the level of design that the contract would provide. Mr. Karlinsey responded that everything except underground utilities. He said that they have talked to Peninsula Light about the project, and the contractor would continue with technical advisory committees throughout the project. In addition there will be four community meetings and four stakeholders' workgroup meetings managed by the contractor. The Council will be kept apprised during the process and the final concept approval will come this fall.

Councilmember Young mentioned that this may be an opportune time for added dialogue with Peninsula Light before the project gets too far.

Mr. Karlinsey indicated that he and the Mayor met with the CEO and CFO of Peninsula Light to discuss undergrounding utilities. They pointed out that the language in the franchise talks about "relocating utilities out of the right-of-way which may include undergrounding. In some cases that may be the only choice, but there may be times that an easement can be obtained.

Councilmember Young said that perhaps Council could engage the Peninsula Light Board to discuss these policy issues. Councilmember Payne agreed that it would be important to clarify the city's intention and desires adding that there is no more important place to do this than on the waterfront and Harborview.

Mr. Karlinsey said that Peninsula Light's preference is to do undergrounding when it helps system reliability, which is arguable on Harborview Drive. This applies with the line runs along a stretch of Douglas fir trees. The language in the franchise doesn't talk about system reliability; the trigger is when the city improves right of way.

Councilmember Young said that there has been an expectation by Council and residents that when right of way improvements are made, the utilities are undergrounded. Because we share a constituency, a “meeting of the minds” is important.

Rob Karlinsey responded that part of the consultant’s contract is to work with Peninsula Light on undergrounding but it would be important for Council and staff to continue discussions. He said that he plans on calling tomorrow to let the CEO know that the project is moving forward.

Councilmember Payne said that he read the scope of work which was very thorough. He agreed that 11% for design of a project is well within reason. He said he would have liked a representative from the firm to speak to their experience with working with historic downtowns, asked what it was that made this firm stand out.

Mr. Karlinsey responded that along with their historic downtown experience, they talked about integrating art into projects. In addition, they tied the two projects together.

Emily Appleton, Senior Engineer agreed that the concept of tying the projects together was important for continuity and for gathering public input. She offered to obtain a copy of the conceptual design to share with Council.

Councilmember Malich asked for clarification of the process to choose this firm. Emily and Rob explained that they interviewed eight various-sized companies with south sound area offices. She said that each group was asked a series of questions and scored on different criteria.

There was further discussion on the method to negotiate the cost rather than asking for bids and the state law that regulates the process.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich said he was amazed that we are hiring someone for \$400,000 to engineer a project without any scope of work to consider; just verbal statements. He then commented that he can’t see spending \$700,000 on Judson Street. He said that the sewer lines on Harborview have been in the ground since 1974 and so maybe the overall project is much needed, but there should be more in writing before committing. Councilmember Franich agreed on the comment about Judson Street. He said the parking there is fine.

Councilmembers clarified that Council was provided a very detailed scope of work as well as a cost breakdown.

**MOTION:** Move to authorize the Mayor to sign a consultant services contract with CTS Engineers for design and engineering of street, utility, and pedestrian improvements on Harborview Drive and Judson/Stanich/Uddenberg Streets.  
Payne / Kadzik – six voted in favor. Councilmember Franich voted no.

2. Support for a Sand Volleyball Court. Marco Malich, Interim Director of Operations, presented the background for a proposal to construct a sand volleyball court at the BMX Bike Park. Several locations were considered before the Parks Commission proposed this site.

Greg Vermillion – 8013 58<sup>th</sup> Ave. NW. Mr. Vermillion presented information on the proposal to construct a low-maintenance sand volleyball court at a city park. He talked about construction materials and the cost. He explained that the work will be done by volunteers and fund raising is already in process, but a location is needed. Mr. Vermillion explained that they used several criteria to rank possible sites to determine the best location. They carefully considered the BMX Bike Park and spent time to fit the court in with minimal impact to the existing use. He discussed projected costs and financing, then asked for Council approval to locate the court at this site.

Councilmember Kadzik asked about the perimeter netting. Mr. Vermillion described an optional low fence around the outside to prevent the ball to go too far. He said it is typically green low-visibility netting.

Councilmember Franich stressed the importance of meeting the parking needs. He also asked about placing it at the Civic Center. Mr. Vermillion responded that during this process they have only seen one car parked at this site. He said that there are usually ten to fifteen cars when they have an event, and so the existing parking should be sufficient. There is also parking at the city park. He then said that the Parks Commission didn't support putting the court in front of the Civic Center. Councilmember Young said that the thought during construction of the Civic Center was to leave that area unimproved for informal use.

After further discussion on an appropriate site, Councilmember Franich said that it seems too "California" for the BMX Bike Park site.

Councilmember Ekberg said that he thinks this project would enhance the other fields and facilities at the city park location. Councilmember Conan commented that he likes that the group tried to work with the BMX Park users. He said that he also shares the parking concern but thinks this option is a great addition to the area.

Mayor Hunter asked if it was a concern to separate the bikes from the volleyball court by a fence. Mr. Vermillion said that he didn't think it would be a problem.

Councilmember Payne asked about long-term maintenance. Mr. Vermillion said the court would depend upon younger folks taking up the sport and willing to take care of it. It is very low-maintenance, requiring it to be tilled once a spring then occasional raking. He also talked about the cost and quality of sand.

Councilmember Kadzik recommended working with the Design Review Board on any net fencing. He suggested also that they look at the adjoining property just acquired by the city.

Mr. Vermillion responded that they had been told it would be some time before this site would be available for consideration. They would love to look at the property if there is an opportunity to move forward quickly. Councilmember Young commented on constraint due to the wetlands on the site and the Mayor mentioned that the property is still located in Pierce County.

Councilmember Ekberg stressed that although the work is being done through a volunteer effort, this is still a city project and coordination would go through the Operations Department.

**MOTION:** Move to consider placement of a sand volleyball courts in a portion of the city's BMX Park.  
Malich / Kadzik – unanimously approved.

3. First Reading of Ordinance – LOCAL State Treasurer Financing. David Rodenbach introduced this ordinance authorizing a financing contract with the State Treasurer for the purchase the police vehicles. This will return at the next meeting for a second reading.

**STAFF REPORT:**

1. Police Department – Monthly Report – Chief Davis. Chief Davis offered to answer questions on the report. He said that there has not been a lot of increased activity in the Gig Harbor North area since construction of the big box stores. He also reported that police presence at the new theater located at Uptown has kept things quiet and controlled.

2. Telecommunication Facilities on City Property. Rob Karlinsey asked for guidance on whether Council wanted staff to spend time on a policy regarding placement of telecommunication facilities on city property. He said a company has shown interest in placing one on the Gig Harbor North Water Tower but there are issues of the lease agreement and access. If a policy is adopted in favor of this there are two potential benefits: revenue and control of additional cell towers on private property.

Ms. Morris talked about some of the issues that would be addressed such as interference with police radios, concerns about access to the city's water supply, lease length and amount. Councilmembers asked for examples of what other cities charge and to see if there is any negative feedback.

Councilmember Ekberg discussed issues that came up in committee. Aesthetics, access and exclusivity were among those. He commented that if this is the only tank that anyone has shown interest, then it might be worth the time to develop a policy.

Ms. Morris reminded Council that the city began negotiation on the property where the tank is located over two years ago; laws relating to telecommunications facilities change, and so Council may wish to delay action until we have access to the tank.

Councilmember Young mentioned that the state and federal governments are talking about regulations about pole attachment fees. This would affect the city's rights to lease for profit and so he suggested beginning work on this now.

After further discussion, Council directed Ms. Morris to go forward with obtaining ownership of the water tank property and finding out if other companies are interested in placing facilities on city property.

3. Update on Boys & Girls Club. Rob Karlinsey referred to the draft Boys & Girls Club agreement and said that they are hoping to finalize this before they break ground in May. He passed out notebooks with their proposed feasibility studies and strategic business plans.

Councilmember discussed at length what was being provided for the city's contribution. Councilmember Franich said it was his impression that when this came to council years ago, senior programs would be provided for the city's money. He voiced disappointment that there is nothing in the agreement to that affect.

Councilmember Ekberg said that the agreement to run the programs was assumed to be with the county, but that was so long ago that the offer is no longer there. He then commented that he would like more time to review the information in the notebook and ask questions before the draft agreement goes out.

Councilmember Young further clarified that the agreement to run the program was to be with the Park District, which no longer exists. At no point did the Boys & Girls Club say that they would run a senior center.

Councilmember Franich said that the spirit of the discussion was that the city would not provide the \$150,000 unless some services would be provided. Councilmember Young responded that the Senior Center was an idea to get more from this club than you would normally get.

Councilmember Payne pointed out that according to the agreement the city's first installment is due on the date of the Certificate of Occupancy. Councilmember Young said that is because we wanted to make sure it was completed.

Mr. Karlinsey mentioned that the county did contribute the land and that they have budgeted for a capital contribution. In addition, Councilmember Terry Lee has about \$30,000 budgeted in 2008 for a part-time Senior Center Coordinator.

Councilmember Franich asked everyone to consider budgeting enough next year to actually get something that would actually benefit the seniors. Councilmember Young

commented that the big thing is to provide the facility. There shouldn't be much to programming to provide as the seniors themselves will run the programs. The Red Cross provides the meals.

Councilmember Ekberg said that he hopes the feasibility study will include how many people will use the facility.

This will come back at the next meeting to allow Councilmembers time to review the information.

4. Public Nuisance Ordinance. Rob Karlinsey said that complaints had been received regarding a couple of residences in disrepair. According to the building department, as long as the utilities are turned off and no one is living there, nothing can be done per code. What is needed is a nuisance ordinance to address maintenance issues. He asked if Council would like staff to draft one.

Councilmembers asked about enforcement. Ms. Morris said that currently the city can enforce both civilly and criminally through state law. After further discussion, Ms. Morris was asked to pursue the state process and then begin work on a draft an ordinance for review. A suggestion was made to contact the property owner to determine if there were plans for the property.

5. Citizen Survey. Rob Karlinsey said that a copy of the citizen survey that will be used os included in the packet for Council's review. He said that there are four discretionary questions that the city can fill in and asked for suggestions to be emailed to him.

6. CERB Grant Update. Rob Karlinsey said that many of the Burnham Interchange interim solutions won't be used in the long-term solution and so staff is recommending amending the CERB Grant so that a portion of the grant gets applied to the long-term fix rather than the interim. He said that there are strategic timing issues and this will come back at the next meeting with a firm recommendation.

7. Cushman Trail Update. Rob Karlinsey commented that the estimate on the project has gone from 5.4 million to about 7 million and the county may not be able to construct the entire project this year, but they still want to go out to bid for the entire project with deductive alternates. He recommended that the city move forward and get the agreement in place for the city to contribute \$664,000. If they request additional funds in 2009 it would go through the budget process. Because it is important to take advantage of the funds budgeted by the county this year an agreement will come before Council for approval.

8. Wastewater Treatment Plant Update. Rob Karlinsey reported that the design of the project is on schedule and city permits have been submitted. We are 4-5 weeks away from 90% design completion and expect to go to bid in August. He said that we applied at the state for GCCM Method of construction and were turned down so are



back to the design/bid/build method. The board didn't think we had enough experience with this method of construction, plus we were late in the process.

Councilmember Young recommended that the city send someone to an upcoming session on the GCCM process to pick up advice. He offered to forward the announcement.

Mr. Karlinsey said that cost estimates and financial forecast are being refined throughout the process. Updates will be forwarded to Council accordingly.

9. Joint Meeting with PenMet Board. Rob Karlinsey said that he recommends a meeting with PenMet Board to discuss sharing park facilities and other partnering abilities. He said that there are several other issues that could be discussed, including double taxation. He suggested June 9<sup>th</sup>.

**PUBLIC COMMENT:** None.

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

Councilmember Ekberg reported that the Boards and Commissions Interview Committee met last week to follow up to the interview process for City Attorney last year. They identified policy, contract and procedure issues. He said that they would meet again and would report back at the next meeting.

Councilmember Conan showed of the Fire Helmet Award he earned attending a one-day fire academy. He said that it was a great opportunity and recommended the experience.

Councilmember Franich pointed out that the re-roof contract at the city park was over \$1000 a square foot. He said this could have been better thought out. Mayor Hunter pointed out that these are special shingles, and the city has to pay prevailing wages.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Operations Committee – Thurs. Apr. 17<sup>th</sup> at 3:00 p.m.
2. Finance Committee – Mon. April 21<sup>st</sup> at 4:00 p.m.
3. City Council / Planning Commission Joint Workstudy Session – Mon. April 21<sup>st</sup> at 6:00 p.m.
4. Volunteer Recognition Ceremony Breakfast – Tues. April 22<sup>nd</sup> at 7:30 a.m. Inn at Gig Harbor.
5. Boards & Commissions Candidate Review – Mon. April 28<sup>th</sup> at 4:30 p.m.

**EXECUTIVE SESSION:** For the purpose of discuss property acquisition per RCW 42.30.110(c)

**MOTION:** Move to adjourn to Executive Session at 9:23 p.m. for the purpose of discussing property acquisition per RCW 42.30.110(c) for approximately thirty minutes.

Franich / Payne – unanimously approved.

**MOTION:** Move to return to regular session at 9:43 p.m.

Franich / Malich – unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:43 p.m.

Conan / Malich – unanimously approved.

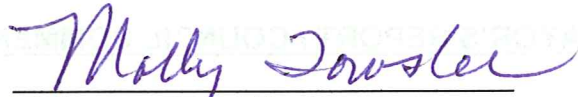
CD recorder utilized:

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Disk #2 Tracks 1- 10



Charles L. Hunter, Mayor



Molly Towslee, City Clerk