

GIG HARBOR CITY COUNCIL MEETING OF APRIL 28, 2008

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

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of April 14, 2008.
2. Council Committee Reports: a) Finance Committee
3. Proclamations / Correspondence: Building Safety Week.
4. Resolution – Surplus Vehicle.
5. Resolution – Support Healthy Communities.
6. Tourism Website - Amendment to Contract.
7. Purchase Authorization for Deck Materials for Eddon Boat Brick House.
8. Onshore Sewer Outfall Project - Change Order No. 1.
9. 2008 Street Rehabilitation and Resurfacing Materials Testing Contract.
10. 2008 Street Rehabilitation and Resurfacing Contract.
11. Approval of Payment of Bills for April 28, 2008:
Checks #57438 through #57572 in the amount of \$1,285,187.46.

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

PRESENTATIONS:

1. Officer of the Year and Support Staff of the Year Awards. Chief Davis announced that the Officer of the Year was being awarded to Officer Chet Dennis. He highlighted several of Officer Dennis's accomplishments during the year. Officer Dennis said a few words of gratitude for the recognition.

Chief Davis then presented the Support Staff of the Year Award to Debra Yerry, Police Services Specialist. He praised Debra's willingness to serve both the staff and community.

2. Support Healthy Communities. Frank Ruffo introduced members participating in the Healthy Communities Program present in the audience: Dr. Jane Moore, Executive Director; Rick Porso, Senior Public Health Department, Dr. Joseph Lamb, Director of Intramural Clinical Research at Metagenics, Dr. Patrick Hogan, Neurologist, Dr. Pat Kulpa – OB/GYN, and Joan Hogan, Dietician.

Rick Porso narrated a PowerPoint presentation on Promotion a Healthy Gig Harbor. He discussed the trend of increasing obesity since 1987 and the health risks attached. Mr. Porso stressed the importance of addressing obesity through increased education for the benefits of healthy eating and active living.

Dr. Lamb presented a second PowerPoint program that outlined more of the negative effects of obesity. He said that lifestyle modification is an integral approach to dealing with the epidemic of chronic disease, both for prevention and preservation of wellness. This will require the support of peers, employers, churches, and any other group that they belong, including the City of Gig Harbor to be successful.

Dr. Hogan discussed the aspect of the quality of life and why they are working to improve the health of Pierce County. He listed health-related diseases linked to inactivity which are now surpassing the effects of tobacco. He stated that the goal is for Gig Harbor to be a model for the United States, and the "Most Fit City in the Northwest." This will benefit those living here as well as those looking for a Mecca of fitness to vacation or hold fitness events such as triathlons and runs.

Dr. Kulpa focused on the subject of busy women trying to balance their lives. She said that the community can help to make physical activity choices more readily available so that women can make a lifestyle change to stay fit.

Mr. Ruffo recognized Laurelyn Lund, Marketing Director, who talked about her involvement with the Healthy Harbor program that speaks to the "nature-deficit" syndrome brought about by modern electronics. She handed out the latest pamphlet produced for the program to help get people more physically active

Mr. Ruffo finalized by thanking Council for passing a resolution in support of the program and listening to the presentation. He stressed the need for continued support of the program for long-term solutions.

OLD BUSINESS:

1. Second Reading of Ordinance – LOCAL State Treasurer Financing. David Rodenbach, Finance Director, presented this ordinance approving the city participating in a borrowing from the State Treasurer.

MOTION: Move to adopt Ordinance No. 1127 authorizing execution of a financing contract and related documentation.

Payne / Malich – unanimously approved.

NEW BUSINESS:

1. Public Hearing – 2008 Comprehensive Plan Amendments to Docket. Tom Dolan, Planning Director, presented nine proposed amendments to the city's comprehensive plan. He said staff is recommending that all nine go forward to the Planning Commission for review as they are all complete. Three are private and six are city-generated.

Mayor Hunter opened the public hearing on the amendments at 6:40 p.m. and explained that each amendment would be introduced and discussion held.

1. **Application COMP 07-0005: Gig Harbor Wastewater Comprehensive Plan Amendment to Sewer Basin C14.** Requested by Harbor Reach Estates LLC and amends text and maps to the sewer basin in the Wastewater Comp Plan. No discussion on this amendment.
2. **Application COMP 08-0001: 3700 Grandview Street Comprehensive Land Use Map Amendment.** Requested by MP8 LLC and Pioneer & Stinson LLC, to change the land use designation for 4.27 acres of property at 3700 Grandview Street from RL to RM designation.

Bill Fogerty – 3614 Butler Drive. Mr. Fogerty spoke against allowing this application to move forward. He said he also spoke for two other homeowners, Mardell Ellston, 3602 Butler Drive and Jean Johnson, 3622 Butler Drive who also wish to retain the residential flavor of the neighborhood.

Mayor Hunter explained there would be opportunity for public input if this is forwarded to the Planning Commission for review.

Carl Halsen – agent for the property owner. He said that they are just asking that this be sent forward to the Planning Commission to start the process. He said a draft development agreement has been prepared outlining how the site will be used. He responded to questions on the project by Council explaining that the proposed development agreement will most probably change.

Councilmember Malich asked clarification for when this property changed from R-1 to RB-1. Tom Dolan said he would get back with that information.

Councilmember Payne asked if the zoning is changed to the requested higher designation, if that would change the buffering requirements. Tom Dolan said that the requirements are the same for both R-1 and RB-1 zones; 20% retention of trees, which could be in the setbacks.

3. **Application COMP 08-0002: Parks, Recreation and Open Space Element Update.** Requested by the city to update inconsistencies, revise and add to the list and descriptions for current and planned parks, recreation and open space projects. Will also allow the city to update park impact fees.

Rob Karlinsey clarified that this would reconcile the Parks, Recreation and Open Space Plan with the Capital Facilities Plan. Mayor Hunter suggested that additional time be spent with staff to make sure that everything meshes.

Councilmember Young commented that the document still has confusing and inconsistent language in the document. One confusing item is the way the years of spending are called out.

4. Application COMP 08-0003: 3720 Harborview Drive Land Use Map Amendment. Requested by Michael Averill of Lighthouse Square LLC to change the land use designation for one parcel at 3720 Harborview Drive from RL to RM. Nick Jerkovich – 3710 Harborview Drive. Mr. Jerkovich read a letter into the record that listed several concerns with the current property usage. Lighthouse Square uses the city sidewalk and roadway to conduct business which has resulted in congestion and dangerous conditions. In addition, there are noise and pollution issues. Mr. Jerkovich asked Council to consider this as an opportunity to clean up this corner lot and to retain the R-L designation in order to preserve his neighborhood.

5. Application COMP 08-0004: Area-Wide Land Use Map Amendment. Requested by the city to correct inconsistencies between the Land Use Map and the Zoning Map.

Tom Dolan clarified that the Planning Commission forwarded this recommendation in order to hold public hearings to determine whether to change the comp plan designation or the zoning for consistency in certain areas of town. He responded to Council concerns by explaining that the Planning Commission does not have any pre-conceived notions on which way to go with the changes.

6. Application COMP 08-0005: Gig Harbor Wastewater Comprehensive Plan Amendments to Sewer Basins C1, C5 and C8. Requested by the city as a housekeeping item to amend the sewer basin boundaries to reflect actual conditions contained in the Gig Harbor Wastewater Comprehensive Plan.

Steve Misiurak, City Engineer, responded to questions by Councilmembers by explaining that this amendment clarifies what is currently served by city sewer and which is not, and would not affect development in any way.

7. Application COMP 08-0006: Utilities Element Update. Requested by the city and would add a goal to the Utilities Element to allow for the potential creation and utilization of reclaimed Class A water at the Wastewater Treatment Plant.

Steve Misiurak responded that this only sets the goal; no analysis of cost or feasibility has been done. A recently enacted state statute requires this action. The second phase of the Wastewater Treatment Plant expansion has components that could facilitate reclaimed water use during the third phase of the project.

8. Application COMP 08-0007: Capital Facilities Plan Update. Requested by the city to update the stormwater, wastewater, water system, parks, recreations and open space, and transportation improvements projects included in the six-year and twenty-year project lists.

No discussion on this amendment.

- 9. Application COMP 08-0008: Transportation Element Update.** Requested by the city to correct inconsistencies and incorporate new information resulting from work in progress to identify key transportation capacity improvement projects. No discussion on this amendment. The Mayor closed the public hearing at 7:18 p.m.

Councilmember Young reminded everyone that the Council's primary role is to determine whether the applications are complete and whether they can be passed this year. He said that he has reservations on some of these, but he is included to forward all the amendments to the Planning Commission to go through the process and to allow public input. Councilmember Kadzik agreed that although he has reservations on some of the applications, he would like to see them forwarded for further input.

Councilmember Ekberg said that if there are applications that shouldn't go forward, the Planning Commission doesn't need the additional workload.

MOTION: Move to approve all nine Comprehensive Plan Amendments as presented.
Ekberg / Young –

AMENDMENT: Move to exclude item 2, Application COMP 08-0001: 3700 Grandview Street Comprehensive Land Use Map Amendment.
Ekberg / Malich –

Councilmember Ekberg stated that there have been comments from the affected residents. The current zone of RB-1 is designed to be a buffer between more intense use and it's not appropriate to change this to RB-2 and have increased density into a existing single-family residential area.

Councilmember Young said he is willing to let the proponent address the issues and so he would like it to go forward.

Councilmember Franich said he can't see anything that could come from the Planning Commission that would change his opinion that this should remain Residential Low.

Carol Morris explained that there are selection criteria for comp plan amendments. She asked that Council come up with findings to incorporate into a resolution if a recommendation is made not to forward one of the applications.

Councilmember Franich said that no changes in circumstances have occurred since the adoption of the present Comprehensive Plan that would validate this amendment moving forward.

Councilmember Conan said that due to the development agreement he would like to see this forwarded to the Planning Commission to be fleshed out further.

Ms. Morris validated a comment that the burden of proof lies with the applicant to demonstrate that there have been significant changes in the original conditions.

A roll call vote was taken with the following results:

Ekberg – yes; Young – no; Franich – yes; Conan – no; Malich – yes; Payne – no; Kadzik – no.

The amendment to the motion to exclude item number 2 failed four to three.

SECOND AMENDMENT: Move to exclude item 4, Application COMP 08-003: 3720 Harborview Drive Land Use Map Amendment.
Franich / Conan –

Councilmember Franich said that there haven't been substantial changes in conditions that would show a need for this amendment. The R-L designation fits the neighborhood.

Councilmember Young said that the public process would open the door for an opportunity to find a better use for the property as no residential will be built any time soon. Councilmember Ekberg agreed that it should go forward.

After further discussion on the merits of forwarding this to the Planning Commission for the public process the following roll call vote was taken:

Ekberg – no; Young – no; Franich – yes; Conan – yes; Malich – yes; Payne – no; Kadzik – no.

The amendment to the motion to exclude item number 4 failed four to three.

Councilmember Payne said he wanted to make it clear to the public that by forwarding these applications to the Planning Commission, it is not accepting the project. It allows both the developer and the citizens an opportunity to comment on the proposed amendments and allows the Planning Commission to determine if they are worthy of bringing back to Council for final adoption.

MAIN MOTION: Move to approve all nine Comprehensive Plan Amendments as presented.
Ekberg / Young – six voted in favor. Councilmember Franich voted no.

2. Public Hearing – 96th Street Annexation. Matthew Keough, Associate Planner, presented the background for this proposed annexation of 216 acres located along and to the east of Highway 16.

Mayor Hunter opened the public hearing at 7:42 p.m. No one came forward to speak and so the hearing closed.

Mr. Keough explained that there was a correction to the resolution to delete language regarding a reference to pre-annexation zoning that may be changed with the amendments to the comprehensive plan.

MOTION: Move to adopt Resolution No. 749, proceeding with the Notice of Intention to annex the area known as the 96th Street Annexation as amended by staff.
Young / Payne – unanimously approved.

Mr. Keough announced that this is his last meeting as he had taken another job, and passed out brochures on annexation that he had been working on. The Mayor and Councilmembers thanked him for his service.

3. First Reading of Ordinance – Updates to the Building Code. Dick Bower, Building and Fire Safety Director, presented the background on this ordinance that adopts new codes accordance with state law. He said that the Building Code Advisory Board met and voted unanimously to forward to Council for adoption. This will return for a second reading at the next meeting.

4. Resolution – New Process for Small Public Works and Consultant Roster. Carol Morris, City Attorney, explained that Municipal Research and Service Center would like to contract with the city to do the advertisement for the Small Works Roster process. The first of two items is a resolution that amends the current process to update it with state law, and the second is a contract with MRSC to allow a broader range of consultants and contractors. This will result in less staff time to administer the roster process.

MOTION: Move to adopt Resolution No. 750, repealing Resolution 592 to establish a new Small Public Works and Consultant Roster Process.
Kadzik / Payne – unanimously approved.

5. Contract Agreement for Small Works Roster Membership – Municipal Research Service Center. This was discussed previously.

MOTION: Move to authorize the contract agreement with Municipal Research Service Center to establish a membership in a new Small Public Works and Consultant Roster Program.
Kadzik / Payne – unanimously approved.

6. Temporary Underground Septic Storage Tanks. Rob Karlinsey explained that due to the lack of sewer capacity, a proposal is being made to allow temporary storage tanks until sewer capacity becomes available. This has been before the Operations

Committee and staff has presented requirements and restrictions for consideration if this is adopted. He introduced David Freeman, the proponent.

David Freeman, Snodgrass Freeman Associates – 7282 Stinson Avenue, Ste. B. Mr. Freeman presented his proposal for an ordinance to allow temporary pumpable septic tanks for new development. He gave a history of the events leading up to this request and said two options for commercial development would correct the problem: 1) to allow a sanitary drain field with more than one building per parcel of record prior to 1992; and 2) to allow sewage holding tanks per this proposed ordinance. He said that projects submitted today must either gain an exemption for a drain-field or waive the right to the 120 day processing window and have their project held until sewer concurrency is available. He passed out a graph illustrating a project timeline if this is not implemented and described how this would play out. Mr. Freeman finalized by saying the city could resolve the problem if they would draft a new ordinance that would allow sewage storage tanks; bond applications for the cost of the sewer hook-ups; and process the application under the new GMA guidelines of 120 days. He said that the city shouldn't incur additional costs because the Pierce County Health Department will monitor drainfields and private developers will pump the tanks. Upon sewer concurrency, the building owner will be required to hook up to city sewer. He said that this will clear the way for a project to go through the process so that SEPA can be completed. This process may coincide with sewer concurrency which may eliminate the need for these tanks. Mr. Freeman answered questions.

Councilmember Ekberg and Franich said that this had been discussed at the committee level several times and they had no recommendation. After further discussion by the full Council, the following motion was made.

MOTION: Move to direct staff to draft an ordinance that would allow temporary on-site sewage storage and disposal systems and to bring back information on time and cost to administer.
Young / Conan – roll call results:

Ekberg – yes; Young – yes; Franich – yes; Conan – yes; Malich – no; Payne – no; Kadzik – yes.

The amendment to the motion to bring back a draft ordinance passed five to two.

7. Recommendation to Name the Park at Eddon Boat - Maritime Heritage Park. Rob Karlinsey said that this had been discussed by the Parks Commission who voted to recommend this change. They reasoned that the public may not make the connection that Eddon Boat is a park, but they would like retain that name for the building.

Councilmembers discussed whether this was premature. They suggested that this wait until after a final design and concept could be implemented to decide if it should be renamed.

Gretchen Wilbert – 8825 North Harborview Drive. The former Mayor spoke against the name change. She said that all the other city parks are named for people or areas, adding that the name Maritime Heritage doesn't mean anything to her.

Guy Hoppen – 8402 Goodman Drive. Mr. Hoppen agreed with this. He said that there are relevant names for parks, and there has always been a boat-building business at this site...so if you choose to remove Eddon Boat, at least retain a name with something about boats that would speak to Gig Harbor.

Mayor Hunter clarified that the intent wasn't to change the name of the building, but the next-door park. Councilmember Franich said that if the name is changed in the future, Maritime Heritage speaks to it being one of the last remaining commercial fishing areas.

MOTION: Move to table this indefinitely.
Ekberg / Young – unanimously approved.

8. Design and Engineering Services: BB16 Level III Screening. Rob Karlinsey gave an overview of the process to find solutions for the interchange at Burnham / Borgen / SR16 which has led to the need for a Level III screening analysis to identify the preferred alternative.

Councilmembers asked about the money spent to date, the amount over budget and what would be the product as a result of this contract. Mr. Karlinsey responded that with the preferred alternative, the process will then be able to move to the environmental permitting process and the interchange justification report to allow the move towards construction. He said that without an engineer's scope of work we didn't know how much it would cost.

MOTION: Move to authorize the Mayor to execute the Local Agency Standard Consultant Agreement with H.W. Lochner, Inc. in the not-to-exceed amount of one hundred seventy-two thousand fourteen dollars and no cents.
Young / Conan – unanimously approved.

STAFF REPORT:

1. Quarterly Report and Performance Measures Report – David Rodenbach. Mr. Rodenbach announced that a new element had been added to the Quarterly Report to include performance and workload measures. He answered questions about the sales revenue. Tom Dolan and Rob Karlinsey responded to questions about the performance / workload measures by explaining that in the 2008 budget process, departments were asked to identify meaningful things to measure.

2. Comparison of Enforcement Measures – Nuisance Ordinance. Carol Morris handed out an outline of procedures available through state law for criminal and civil prosecution of nuisances. Also included was an option for Council to adopt city code

regarding nuisances. She concluded that there is substantial advantage to having an ordinance including lower cost and less delay. She answered questions.

Councilmembers discussed the benefit of adopting a nuisance ordinance and directed staff to draft an ordinance.

Ms. Morris responded that the things that could be addressed in an ordinance are litter, weeds and vegetation, trash, and unsightly buildings. Council will decide what a nuisance is.

3. Boys & Girls Club Agreement Update. Rob Karlinsey said that he included additional supporting documentation from the new Lakewood Center to the proposed agreement. He asked Council to keep in mind that the Lakewood Center shows an operating deficit which is not atypical for an individual Boys & Girls Club. The general donations from the South Puget Sound Center make up the difference. He said there is no distinction between city and county residents in the report. He asked to bring the draft agreement to the Boys & Girls Club for negotiation.

Councilmember Ekberg commented on several points about the report and contract.

- The report was Lakewood specific; there is no feasibility study on Gig Harbor.
- Lakewood is paying the same amount as Gig Harbor even though they are ten times larger.
- Is the language “the remaining contributions will be provided in quarterly installments” legally correct when in fact it is spread over four years?
- Exhibit A – does this refer to “City of Gig Harbor Youth” or “Gig Harbor Youth” in general?
- Exhibit C – Terms of Lease, this should be paid only upon completion of the building, not signing of the agreement.

Mr. Karlinsey clarified that the lease payments are zero, but the \$150,000 contributions do not begin until Certificate of Occupancy.

Councilmember Franich again voiced his disappointment that there is no programming for Seniors. When discussed years ago, this went forward based on an Interlocal with Pierce County with the idea that programming would be provided. It will be hard for him to support spending \$750,000 without knowing the benefit to the city residents. Councilmember Franich asked what happens after the five year agreement. Mr. Karlinsey responded that the city is no longer a tenant when the contribution stops.

Councilmember Young said that is not what was negotiated and it needs to be clarified. The reason for the five-year payment is to ease the burden on the budget. These are not lease payments and the city was promised space for helping to build it. The agreement needs to state that the City will retain the space for social services in perpetuity.

Council directed Mr. Karlinsey to forward the agreement after these concerns are addressed.

PUBLIC COMMENT: None.

MAYOR'S REPORT / COUNCIL COMMENTS:

Mayor Hunter announced that the state budgeted one million dollars for the city's Wastewater Treatment Plant Expansion Project to help bridge the gap between the time it is completed and the time revenue is collected. The paperwork for the grant will be submitted soon.

Councilmember Franich asked if anyone had reviewed the Hearing Examiner's decision on the Hunt Highlands project. He voiced concern that problems in the city code that allows such high density; an issue that he will bring up during the Council Retreat.

ANNOUNCEMENT OF OTHER MEETINGS:


1. Judson / Harborview Improvement Project – Stakeholders Workgroup: Tuesday April 29th walking tour begins at 6:00 p.m. at the corner of Judson/Pioneer. The meeting continues at 7:00 p.m. in Community Rooms A&B.

ADJOURN TO WORKSTUDY SESSIONS:

1. Mainstreet Program.
2. BB16.

MOTION: Move to adjourn at 8:56 p.m.
Conan / Malich – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 18
Disk #2 Tracks 1- 19


Charles L. Hunter, Mayor


Molly Towslee, City Clerk