

## **GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 22, 2008**

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

**CALL TO ORDER:** 6:02 p.m.

**PLEDGE OF ALLEGIANCE:**

### **CONSENT AGENDA:**

1. Approval of the Minutes of City Council Meeting of September 8, 2008.
2. Council Committee Reports: Receive and File: a) Minutes of Harborview Judson Improvement Project Update Sept. 8, 2008; b) Minutes of BB16 Level II Update Workstudy Session Sept. 8, 2008; c) GHPD Monthly Report. d) Prepayment of Utility Services Memo.
3. Liquor License Renewals: Fred Meyers; Gig Harbor 76; Harvester; QFC 864; QFC 886; Galaxy Uptown.
4. Harborview Drive Water Main Replacement Project – Construction Contract Award and Materials Testing Contract Authorization.
5. Appointment of Salary Commission.
6. Onshore Outfall Project – Change Order No. 2.
7. Wagner Way/Wollochet Drive Traffic Signal – Consultant Services Contract Amendment.
8. Canterwood Annexation Consultant Services Contract.
9. Phase I Environmental Assessment - 50<sup>th</sup> Street Court NW Property- Consultant Service Contract.
10. Harborview / Judson Street Improvement Project – Phase I Design and Scope of Work.
11. WWTP Expansion Project Consultant Services Contracts and Amendment to Contracts.
12. Sanitary Sewer and Stormwater Facilities Easement and Maintenance Agreements for Harborstone Credit Union/Northwood Buildings A & B.
13. Prosecuting Attorney - Contract Renewal.
14. Approval of Payment of Bills for Sep. 22, 2008: Checks #58833 through #58999 in the amount of \$1,480,479.98.

Councilmember Payne asked that item number 5 be moved to new business, Councilmember Franich asked that item number 6 be moved to new business and Councilmember Ekberg asked that items number 10 and 13 be moved to new business.

**MOTION:** Move to adopt the Consent Agenda as amended.  
**Malich / Conan** – unanimously approved.

## **PRESENTATIONS:**

### 1. Boys and Girls Club.

Rick Guild, 10703 Seaview Drive, Anderson Island. Mr. Guild, President and CEO Boys and Girls Club of the South Puget Sound, discussed their dedication to developing honest and trustworthy partnerships with local organizations and agencies through providing quality facilities and services for children, teens, families and seniors in the community. He asked the City Council to reconsider the financial investment of \$750,000 for the operation and maintenance for the Jim and Carol Milgard Family Hope Center, adding that they are willing to discuss any long-term structure of this investment. He introduced speakers, Brad Cheney from the One Campaign, Jim Milgard, Co-chair of the Gig Harbor Campaign Committee, Marty Paul, Gig Harbor Campaign Committee, and Pierce County Councilmember Terry Lee.

Brad Cheney – 4210 Horsehead Bay Drive. Mr. Cheney explained that he was recruited to lead the campaign to raise \$60 million dollars to bring new community centers to multiple sites in Pierce County. He said he has been a resident of Gig Harbor for 23 years and was pleased that one would be built here. He explained that this is the largest fundraising effort for non-profits in Pierce County; \$12 million was earmarked for the facility in Gig Harbor and today, \$10.6 million has been raised. He said the idea of combining youth and family services has taken off and \$53 million has been raised for these centers already. He said that the promise of partnerships has helped to raise those dollars and the city's decision to reduce its commitment has hurt them financially as well as clouded the campaign effort, adding that the city is the only one who has changed their commitment to the campaign. He talked about his personal and family pledge to the Gig Harbor campaign saying it would be unthinkable for him to change that pledge in spite of hard times. He asked the city to reconsider their original pledge of \$750,000.

James Allen Milgard – 9801 Allen Point Road. Mr. Milgard described his long-time standing in the community, explaining that Gig Harbor is his back yard and in his heart. He said that the Hope Center under construction is a vital addition to the community, and when he heard that the City of Gig Harbor was willing to put up \$750,000 his wife and he made a commitment of \$3 million to make it work. He talked about the other contributions they have made in the community and said that the reduction in the city's commitment has shed a light, and he said he's not so sure of what he wants to do in the future here. He said that this hurts. He asked how many Councilmembers have visited the Hope Center in Lakewood and stressed that this is not just a Boys & Girls Club; it is a center that encompasses senior citizens. He offered to take the other Councilmembers to visit during the morning so they can see the impact this facility has on the community; and hopefully the council will reconsider their commitment.

Marty Paul – 3226 Horsehead Bay Drive. Mr. Paul described his background in the community and asked the city to reconsider withdrawing the previously pledged \$750,000. He explained that as leaders of the city, you have to consider how to

maximize investments as well as future returns, saying he feels this is a budget issue and not a lack of desire to support the future. He read a section from the city's Parks, Recreation and Open Space Plan which encourages the development of multiple use indoor community centers and also states that "the city should cooperate with public and private agencies to avoid duplication, improve the quality and availability of facilities to reduce costs and represent resident areas interests through joint efforts." He said that the backlash from the withdrawal of support is immeasurable and like the others who spoke; his family has made its largest donation to the Boys & Girls Club because it serves such a diverse group. He said the Council has a choice as leaders to fulfill its commitment even if it requires renegotiating. He continued to say that he read in the Gateway that part of the reconsideration for the funding level is that this facility couldn't meet the needs of the seniors or that a better facility could be built in a different location. He encouraged Councilmembers to visit the Lakewood facility to see its capabilities, adding that you couldn't replicate the services for \$500,000. He said he respects and cherishes Gig Harbor's past, he is motivated to improve the present, but is concerned that we are inadequately planning for the future.

County Councilmember Terry Lee. Councilmember Lee explained that when he was first elected, there was a theme of partnership in Pierce County. He listed several projects that have been accomplished that benefit not only those who live in the city but those who live in the unincorporated area but use city services.

- Domestic Violence Kiosk and Virtual Law Library
- Synthetic Athletic Field Overlays and Lighting at both High Schools
- Scofield Property Acquisition
- YMCA
- Contribution of Land for Boys & Girls Club and Budgeting for a Senior Center Component
- Cushman Trail Phase II
- Townaround Bus Discussions
- Narrows Airport

Councilmember Lee stressed that we have done great things together and there is more to do. He asked the city to reconsider their support to the Boys & Girls Club.

Donna Streb – 3702 Hunt Street Space 63. Ms. Streb said several people have donated for a Senior Center space at the Boys & Girls Club but they haven't heard anything more and she wonders if the money is drawing interest. She then talked about how Seniors suffer from depression and loneliness which could be addressed with a Senior Center. She said she was disturbed about this and so she read a poem that she had written about loneliness.

Councilmember Payne said he is aware of the issues that seniors face. He shared that that the issue the council faces isn't a question of supporting a Boys & Girls Club, which is illustrated by the quarter million contribution the city is making. He explained that he struggles to understand the meaning of the commitment made by a previous council and said that he is more than willing to meet with the leaders of the Boys & Girls Club to

discuss options. He talked about the tremendous budget pressures the city is facing with relatively few taxpayers. He again voiced concern for this city and its monetary obligations.

Councilmember Young encouraged other Councilmembers to take Mr. Milgard's offer and visit the Lakewood Hope Center to see that it is much more than a Boys & Girls Club. He agreed with Councilmember Lee on partnering and thanked him for his support over the past six years.

Councilmember Franich asked for clarification for what benefits the Seniors would get and if there were any assurances.

Mr. Guild responded that there will be 1500 square feet of dedicated space for the Senior Center which includes a game room area, office space, private office for health care, and a bistro/kitchen area. These are located adjacent to two meeting rooms which the Seniors can use. As primary tenants they would have first rights to use the tech center, the performing arts room, the cultural arts area, the 8500 square foot gymnasium and another game room. The program hasn't been totally established but once they get to a certain point in construction a variety of programs and services will be considered. He assumed that whoever becomes the provider will be organizing outings and field trips, adding that Subaru is donating a van to be used for transportation to transport not only Seniors, but kids from Key Peninsula. Mr. Guild then said they are committed to keep the Senior Center in the footprint and to operate a program for the life of the facility. The issue of who will be providing the services isn't finalized; they are considering pitching it to the Board of Directors that the Boys & Girls Club becomes the provider. They should know the first quarter of 2009.

Councilmember Conan asked for clarification of when the Seniors would have access to the rest of the facility. Mr. Guild said they have the ability to use the amenities up to 2:30 – 3:00. Out of school time, the Boys & Girls Club has priority. He thanked Council for their consideration.

## 2. Skansie Brothers Park Ad-Hoc Committee Recommendations.

John Moist – 3323 Harborview Drive. Mr. Moist explained that the eight-member committee looked at many of the same issues that the 2003 Ad Hoc Committee considered to be of vital importance to the best overall interest of the park. He described their mission to preserve the historic nature of the site while encouraging community use and to re-establish the park as a portal between the water and the land. Mr. Moist said the Ad Hoc Committee was visionary as opposed to feasibility driven; they didn't have time to explore costs and permitting requirements. He talked about the public participation that assisted in the development of the recommendations. Using a PowerPoint Presentation, he described each recommendation for consideration:

1. Landscaping and Vegetation – strongly recommended removing the hedge along the sidewalk. The clutter of dumpsters and newspaper boxes at the north end of the park should be addressed by the Harborview Beautification Consultants.

2. Restroom, Shower and Laundry Facility – expand restrooms to include shower and laundry facility to keep with other city docks.
3. Life Jacket Program – forward to staff for further consideration and potential funding.
4. Maritime Memorial Walk – relocate the Fisherman’s Memorial Statute to the brick flagpole courtyard and install pavers engraved with fishing family names. The anchor and plaques to be relocated by and at the request of the fishermen.
5. Netshed – preserve by: a) adding to the Historic Registration; b) immediate stabilization; and c) rehabilitate structure and contents for educational purposes.
6. Skansie Brothers House – register as historic site and use for a Visitor’s Center with historic interpretive displays. Maintain interior integrity.
7. Maritime Pier – construct south of the netshed to: a) encourage expansion of human powered watercraft sports; b) facilitate water taxis, tour boats, guide boats and fishing boats; c) improve the park’s ability to host maritime events; d) provide for educational programs; e) enhance opportunities for increased economic sustainability; and f) encourage retention of commercial fishing heritage.
8. Seasonal Floats – investigate adding 640 linear feet of temporary floats to Jerisich Dock on a four-month, seasonal basis to facilitate smaller crafts leaving the main dock for larger yachts and contribute to economic sustainability for the waterfront businesses.
9. Jerisich Dock Extension – investigate adding 70 feet to the end of the dock by updating the cost estimate and permitting requirements for design done by Layton Sell Engineering in 1997. If the city funds the extension it will not be subject to the current commercial use restrictions and could facilitate commercial tour boats, dive excursion boats, and a water taxi.

Mr. Moist explained that the Ad Hoc Committee also recommends that Council appoint a five-person feasibility committee to investigate funding resources, acquisition and permitting for recommendations 7, 8, and 9. They have provided the names of five persons willing to serve and estimate that a full report could be delivered within nine months of approval. In addition, the Ad Hoc Committee is asking for use of the \$20,000 in the 2008 Budget to conduct the feasibility studies and to proceed with an RFP as soon as possible. They asked that a staff member appointed to assist the committee. He then thanked Council on behalf of the Committee and the residents of Gig Harbor.

Mayor Hunter thanked Mr. Moist and the Ad Hoc Committee for their time. He said he would like to make sure that the recommendations to City Council aren’t allowed to stall this time. He asked that Council to appoint a committee of five with a staff member and a Councilmember to do a feasibility study to determine:

- Project costs
- Construction start date
- Permitting
- Funding sources
- Uses
- Historical impacts

- Possible moorage fees

Mayor Hunter recommended taking the following steps as soon as possible:

1. Have an arborist evaluate and suggest ways to clean up some of the overgrown vegetation now and later do the design work for the landscape at the entrance of the park.
2. Move the dumpster behind the restrooms and looking into the feasibility of showers and a laundry facility.
3. Find funding for the life-jacket program.
4. Ask the fishermen to come up with a concept for The Maritime Walk.
5. Add the netshed to the Historic Register and stabilize the netshed now.
6. Add the house to the Historic Register and do a structural analysis to verify the estimated cost to do improvements.
7. Maritime Pier, Temporary Floats and Dock Extension, do the feasibility study and determine how they all work together.

Councilmember Kadzik asked for further clarification on the intent and if the scope of work for the Harborview / Judson project would be expanded to include this. Mayor Hunter said his intent was to use the \$20,000 to assist a five-member committee, a staff person and a Councilmember in the process to accomplish the above objectives. He further explained that the Harborview / Judson Improvement Project isn't something that is going to be done right away and so in the meantime, he wants to move forward to at least get the place trimmed up and looking better. He said that the current scope of work is more hardscape than landscape, adding that the current consultants have their hands full.

Councilmember Kadzik said he would like to see more than just moving dumpsters and trimming hedges. We have people hired for designing that part of town that should be utilized. Mayor Hunter said he has no problem with that.

Councilmember Franich stressed the importance of having someone with a historic preservation point of view for input on any changes there whether it's landscaping or improvements on the water.

Councilmember Young said he liked what the committee recommendations and would love to see the hedge removed to open up the site on the south side. He voiced concern with doing a feasibility study on a maritime pier without knowing if there would be support from the Port of Tacoma and/or the State. Councilmember Payne responded that this is part of the study and if we don't have the funds to match, we can't move forward.

Councilmember Ekberg thanked the committee, commenting that the meetings he checked in with were well-attended by the citizens with good input. He said whether or not he likes the recommendations, he doesn't have enough information to make a decision. He agreed with the Mayor's approach; the feasibility study would encompass

all the aspects of the recommendations. He encouraged Council to move forward with the Mayor's recommendation.

Councilmember Malich concurred. He read the list of recommended committee members: John McMillan, Guy Hoppen, Paul Ancich, John Moist, and Greg Lovrovich. He asked if five is enough. Mayor Hunter responded that a smaller group may be able to accomplish the task faster.

John Moist agreed that it would be a great idea to include a Councilmember. Councilmembers further discussed the composition of the committee and Councilmember Kadzik suggested that Mayor Hunter could come up with his recommendations to be discussed at the next Council meeting.

Councilmember Payne complimented Mr. Moist on his presentation. He asked if the temporary floats are an interim measure if a Maritime Pier is constructed. Mr. Moist said that they hope it would continue.

Councilmember Young asked how you cost something out without a design. Mayor Hunter responded that there is a completed design for the extension of the dock and an engineering study and enough design work done for the Maritime Pier to cost it out. Councilmember Young then asked why staff couldn't do the feasibility study. Mayor Hunter said he feels that the committee ought to be involved all the way through and staff may not have the expertise to do this. Councilmember Franich agreed.

John Moist added that the committee members fully understand that this may lead to nothing but they would like to find out. Councilmember Franich asked to clarify that moving forward with the feasibility study doesn't mean a commitment to construct the pier without a great deal more consideration. Everyone concurred.

Councilmember Conan said this is why he agrees with the Mayor's recommendation to move forward on the feasibility of all the recommendations; not just the pier. He said that this doesn't obligate the city to anything but it allows the gathering of information.

Mr. Moist said that the committee can look at the house, restrooms, etc. He said they anticipate using the Public Works Department for information and to help defray costs.

Mayor Hunter said he would bring a recommendation for Council review at the October 13<sup>th</sup> meeting.

Sue Braaten – 8802 Randall Drive. Ms. Braaten, representing the Lodging Tax Advisory Committee, voiced 100% support of using the Skansie Brothers House as the Visitors Center.

Michael Perrow – PO Box 1266. Mr. Perrow, Chair of the Parks Commission, gave the history of their recommendation to Council to form the Ad Hoc Committee. He said that the Planning Commission voted to recommend all but two of the Ad Hoc Committee's

recommendations, explaining that they have concerns with using the Skansie Brother's House as the Visitor Center because here are too many unknowns. The group voted 5-0 against a Maritime Pier located at the Skansie Brother Park because they believe that it would best be located elsewhere; it would be too intrusive and the commercial nature would radically change the park. Mr. Perrow said that the Parks Commission supports the other recommendations, adding that the Ad Hoc Committee did great work.

Kit Kuhn – 3104 Harborview Drive. Mr. Kuhn said that the hedge along the sidewalk should be cut as soon as possible to open up the area. He said that the newspaper racks are disgusting and suggested moving the dumpsters, adding showers and laundry facilities. He stressed that these are things that can be done right away. He also said that there are great people in Gig Harbor that could do a design for the park, suggesting small improvements. Mr. Kuhn said that adding a Maritime Pier has both pros and cons, but you have to deal with the parking issue.

Vern Scott – 8717 Randall Drive. Mr. Scott said he is against the installation of showers and laundry facilities. He said to take a look at Eagle Harbor at Winslow where the addition of these amenities led to live-a-boards and floating homes; things that clog the harbor and become an eyesore.

John Skansie – 3211 Eastbay Drive. Mr. Skansie reiterated that the gist of the Ad Hoc Committee's Mission Statement is historic preservation but the proposed projects contradict the statement. He said that he loves the idea of a multi-use Fisherman's Pier. He said preserving Skansie Brother's Park would be progressive and visionary, and consistent with the mission statement. Future generations will thank Council and Staff for having this vision.

### **OLD BUSINESS:**

1. Public Hearing and Second Reading of Ordinance –Private Cemeteries Limitation Amendment. Tom Dolan gave a brief overview of this ordinance to allow existing cemeteries to be legal uses within city limits. He noted slight modifications to the ordinance from the last reading to clarify that Haven of Rest would be a legal use after annexation. He then said a companion ordinance will be forthcoming to allow expansion of the cemetery.

Councilmember Franich asked for clarification on allowing the cemetery to expand. Mr. Dolan said that the companion ordinance was to address Haven of Rest's concerns and would make the cemetery a lawful, non-conforming use. They would still need a Conditional Use Permit in order to expand.

Councilmember Payne recommended language changes in 2.36.010 to further clarify the ordinance.

Mayor Hunter opened the public hearing at 7:30 p.m.



George Nelson – 8503 Highway 16 West. Mr. Nelson, a 23-year employee of Haven of Rest, thanked Council for considering this ordinance. He explained that as members of the community for 60 years, they are pleased to be annexed into the city. He said they understand that this is a two-step process before any changes are made.

Kathryn Jerkovich – 2106 Pacific Ave. Ste. 500. Ms. Jerkovich, on behalf of the Haven of Rest, explained that the amendment came about because city code doesn't allow cemeteries; it could result in fines and so it didn't seem right to be annexed into the city with these provisions still in effect. She said that the second ordinance will allow the cemetery to expand. She said that they have reviewed the ordinance before Council tonight and recommend adoption.

There were no more comments and the public hearing closed at 7:34 p.m.

**MOTION:** Move to adopt Ordinance No. 1139 with the language change to Section 2.36.010 to read "as an exception it shall be lawful..."  
**Payne / Conan** – unanimously approved.

**NEW BUSINESS:**

1. Public Hearing and First Reading of Ordinance – Prentice Avenue and Sutherland Street Vacation / Gary Stainbrook. David Stubchaer, Public Works Director, presented the background information on this request to vacate a portion of Prentice Avenue and Sutherland Street per the non-user statute. He said that the property has not been used for public use. Carol Morris explained that non-users statute to Councilmember Malich.

Mayor Hunter opened the public hearing at 7:45 p.m.

Dick Ammerman – 9114 Prentice Avenue. Mr. Ammerman asked who owns the land if the city gives up its rights. Ms. Morris described the process, explaining that the state assessor decides; usually 50% goes to each abutting ordinance. She reiterated that the city doesn't have anything to give up as we have no choice.

There were no further comments and the public hearing closed at 7:47 p.m.

2. Public Hearing and First Reading of Ordinance – Prentice Avenue and Sutherland Street Vacation / Paul Crow. David Stubchaer, Public Works Director, explained that the same conditions pertain to this request to vacate a portion of Prentice Avenue and Sutherland Street per the non-user statute.

Mayor Hunter opened the public hearing at 7:48 p.m. There were no comments and so the public hearing closed.

3. Public Hearing and First Reading of Ordinance – Woodworth Avenue Street Vacation / Mark & Lynn Stonestreet. David Stubchaer explained that this falls under the same conditions.

Mayor Hunter opened the public hearing at 7:49 p.m.

Dick Ammerman – 9114 Prentice Avenue. Mr. Ammerman explained that his house is south of the Stonestreet's and asked about vacating the remainder of the street.

Carol Morris responded that the City Council is currently discussing vacating all the streets that fall under the non-users statute at one time. She said that currently, the abutting homeowners own the property but they are not paying taxes.

There were no further comments and the public hearing closed at 7:52 p.m.

4. Public Hearing and First Reading of Ordinance – Harborview Drive Street Vacation / City of Gig Harbor. David Stubchaer explained that this vacates a portion of Harborview Drive by the Wastewater Treatment Plant to meet the setback requirements.

Mayor Hunter opened the public hearing at 7:53 p.m. There were no comments and so the public hearing closed. All four ordinances will be back for a second reading at the next meeting.

5. Appointment of Salary Commission. Councilmember Payne explained that he has no issues with appointments, but he wanted to make sure the public had opportunity to comment. No one came forward to speak.

Mayor Hunter recognized one of the appointed members, Keith Hamilton, who shared that he is honored to serve on the committee to consider Mayor and Council salaries.

Councilmember Franich said he is not in favor of the Salary Commission and emphasized that Council should make the decision. It has been shown over time that Councilmembers are not here for the money and by handing this over we have no input if the recommendation is too high. Mr. Hamilton responded that the commission is a very independent way to approach this, and they can do comparisons with other communities.

Councilmember Ekberg said he feels that being a Councilmember is a community service. He said that if Council wants to adjust their salary then they should do a modest annual amount; better than not having done anything over the past ten years. He said he is pleased with the quality of the people who asked to participate but said that he isn't in favor of the commission

Councilmember Payne commented on the importance of having the citizens involved in these types of decisions and spoke in favor of the commission.

**MOTION:** Move to confirm the appointment of Richard Jasper, Tony Michaelson and Gregory Roberts to serve four year terms and the

appointment of Harris Atkins and Keith Hamilton to serve two year terms on the Salary Commission.

**Payne / Malich** – five voted in favor. Councilmembers Ekberg and Franich voted no.

6. Onshore Outfall Project – Change Order No. 2. Councilmember Franich asked for clarification on this \$47,000 cost increase. Steve Misiurak, City Engineer, explained that the realignment of the pipes had to be redesigned due to unforeseen complications. The redesign was done in-house but it resulted in a week delay for the contractor, unknown utilities in the intersection and unsuitable trench materials. He further explained that he was able to negotiate the amount of the change order down from the original request.

**MOTION:** Move to approve Change Order No. 2 for the Onshore Outfall Project in an amount not to exceed forty-seven thousand six hundred thirty-eight dollars and nine cents (\$47,638.09).  
**Payne / Kadzik** – unanimously approved.

7. Harborview / Judson Street Improvement Project – Phase I Design and Scope of Work. Councilmember Ekberg said he wanted to discuss the Scope of Work in light of the current budget issues and the recommendation to only do a portion of Judson. He said that the most important areas in need of improvement are Uddenberg Lane and Stanich Street and suggested postponing the improvements on Judson and Harborview during this first phase.

Councilmember Conan said that agreed that it can be pared down but said he would like to see sidewalk improvements and the crosswalks on Judson and Pioneer.

Councilmember Payne asked for clarification on increased parking at Key Bank. David Stubchaer responded that there isn't a gain of public parking, but of a public sidewalk. Councilmember Kadzik added that the improvements on Judson across from Key Bank are safety driven, adding that the improvements on Pioneer past Uddenberg up to the condos increases parking.

Councilmember Malich said that due to the recent accident, he would like to hold up on construction on Harborview and Pioneer to discuss a redesign, and to focus construction on Judson/Uddenberg and Stanich.

Councilmember Payne said that the safety features discussed at the workstudy session two days before the accident couldn't come soon enough. He suggested an adjustment to the road coming down Pioneer or a physical barrier that will slow or stop a car before they get to the bottom to avoid this happening in the future.

Councilmember Young clarified that this contract is for design work and not construction and so a re-design could be directed.

Councilmember Franich said Exhibit A-1 doesn't depict the safety features that he believes Councilmember Malich refers to; which are very important to do. He said that it would require heavy steel poles, leaving the brick planter, and incorporating something very deep and heavy that will stop vehicles. He said a stop sign half-way down the street would not have stopped an accident.

Councilmember Payne responded that he isn't suggesting a stop sign. He recommended listening to the recording of the worksession in which they discussed the very safety measures that are being suggested. He suggested a delay to this particular contract for that portion of the design. Councilmember Ekberg clarified that is why is asked for more discussion on this design contract, and to pull Harborview and Judson because of cost issues; then move forward with the rest of the project.

Mayor Hunter said that you are never going to stop an event such as happened last week. No matter what you build there will be the possibility of an out-of-control vehicle that could flip or do any number of things. Councilmember Franich agreed that you couldn't stop a dump truck doing 100 miles per hour, but if there's a chance to deter 90% of horrific possibilities is better than doing nothing.

Councilmember Conan explained that these are the things talked about at the workstudy session. There were two choices: either a planter further into the street or bollards and another 2<sup>nd</sup> phase stopping feature.

Councilmember Young said that the drawings tonight don't reflect what was discussed. This is only the engineer's recommend for road-width and it doesn't mean that there won't be bollards or a planter box at that location. At the workstudy session the consultants proposed improving the safety of the planter box because it would have to be moved to accommodate an increase the sidewalk width. He explained that this contract isn't asking for final design approval but direction to move ahead with design by incorporating the materials and other features that were discussed. He then agreed that we could put off the Judson Street portion of the design as it doesn't make sense to design sidewalks and streets separately.

Councilmember Conan pointed out the safety issue because there is no pedestrian access on Judson at Pioneer. He said that a sidewalk is easier to design than a whole street. Councilmember Kadzik asked what kind of savings could be realized by eliminating portions of the design during this phase.

David Stubchaer recommended not cutting the design but to reduce construction. The whole design has to be done so anyone component fits in with the long-term plan. He clarified that when the basic design is approved they will move forward with right-of-way acquisition. That is another reason to have the entire design so you only approach the property owners once.

Councilmember Kadzik says he doesn't like the piece-meal approach that the city has taken in the past and thinks we should go forward with the entire design.

Councilmember Ekberg responded that because part of Judson has been eliminated from this design he wondered why look at it at all.

Councilmember Payne asked if this contract includes the Master Planning for Judson and Harborview. David Stubchaer said yes, it does include the Master Plan. He added that the Key Bank property is unique because it includes construction on all three sides and so he would like the entire design detail in order to describe the necessary right-of-way.

Councilmember Payne clarified that the Master Plan had already been approved and that is what the engineers are working on now. The generic design is underway, and this current contract is to do the specific design, the specs, and to prepare the bid documents for construction at these three locations.

Councilmember Young stated that the exhibits in the packet do not indicate any work past the old city hall, half-way down Judson and so he asked the cost of including the rest of the street. David Stubchaer said detail design is generally 10% of the construction amount, so approximately \$120,000.

Councilmember Payne asked for clarification that tonight's contract isn't an approval of funds, but an approval of going forward to design a project with what was discussed at the past two workstudy sessions. Mr. Stubchaer said yes, and to give move forward and obtain the necessary right-of-way.

Councilmember Young asked why this was in the form of a contract amendment if we are only approving a conceptual design with no monetary request. Mayor Hunter clarified that this is part of the original scope of work and the intent was to get Council's concurrence of the basic design so we can talk to the property owners.

Councilmember Franich said the minutes reflect considerable discussion on parking at the Key Bank site and the engineers were asked to bring back a design for back-in angle parking. The drawing show bank-in angle parking in front of the old West Marine and the Italian Restaurant as well. He asked if this was discussed as well.

Councilmembers Conan and Young responded that yes, it was when it was determined that this is the safest option and it would get the most spaces. Councilmember Franich said that currently it is head-in parking accessible from either direction; angle-in parking limits it to one-way access. Councilmember Conan pointed out that they are private and not public spaces and a partnership with property owners was discussed. He said Key Bank representatives were in favor of the back-in angle parking, but they have to ask for corporate approval. David Stubchaer said he is waiting for Council direction before approaching other property owners.

Mayor Hunter read from the agenda bill and asked if Council wants to move forward with the proposal as presented. Councilmember Franich asked what would happen if the property owners don't like the design. Councilmember Payne explained that the

engineers would come back with other options. Without any direction they don't know what to present to the property owners.

Councilmember Ekberg said it was confusing because this appeared to be an expenditure item and there would be more spent by moving forward on this.

Councilmember Young said that this doesn't preclude other types of parking on the rest of the street and any preference could be voiced to the engineers. Councilmember Malich pointed out that representatives of Key Bank were at the workstudy session and voiced a preference for this safer solution for parking.

Councilmember Payne said given last week's accident, there may be a need for a re-design; we need to be open to a potential change order.

Councilmember Ekberg agreed and said he didn't want to approve what was presented tonight not understanding that this isn't the final design. He said he would like to know where we are in the budget on this project. Councilmember Franich said that this information should have been included in the packet.

Councilmember Malich suggested postponing action. Councilmember Young said that there is a timing issue and recommended that any questions on the budget can be directed to staff and any concerns brought back. Councilmember Payne agreed that a budgetary accounting is necessary but this doesn't seem to be a cost issue and due to the need to move forward he suggested proceeding.

Mayor Hunter said it would be helpful to get started on the right-of-way and asked for direction. Councilmember Young recommended moving forward, adding that the safety concerns have been contemplated and any questions of right-of-way or partnerships can be addressed along the way.

Councilmember Payne added that in light of the accident we may need to rethink one of the intersections up from Harborview and Pioneer. Mayor Hunter said that would be an addition to the scope and agreed that it definitely needs to be considered.

David Stubchaer explained that today he received the consultant's concept for a double barrier in front of the building as a permanent option. He addressed interim solutions explaining that staff is obtaining a price to remove the existing brick planter to install steel bollards with a guard rail in between and rebuilding the planter around it. He continued to say that they are also looking at solutions at the steepest part of the hill and discussed some of the options that had been considered. He described the concept of an island in the middle of Pioneer adjacent to Key Bank which would force vehicles to slow and maneuver to the side so there wouldn't be a straight shot. The island would contain a crash barrier that would give a runaway vehicle some place to hit and slow down. The double barrier at the Harborview intersection would stop them. He said that this isn't a part of the scope of work for this project, but stressed that various

comprehensive solutions are being considered because staff and the consultants are very aware of the safety concerns.

Tish Mactoff – owner of 123 Fit. Ms. Mactoff complimented the suggestion to not pass this design tonight. She said she wanted to be on a committee to offer suggestions and asked if speed bumps had been recommended for the downhill grade. David Stubchaer and Councilmember Payne responded that these have been considered in other locations to inhibit speed, but typically they are not as effective as other features.

Carl Moraldi – 8223 Goodman Drive and Owner of the Harbor Inn. Mr. Moraldi said when he bought the building from the Drohan's he thought the planter installed by the city in 1989-90 was totally secured with steel adding that was what he was told. He said now we find out it's not true. He said it's city property and it should come to the top of the safety list along with what we can do with the steepness of Pioneer and the speed that cars and trucks can go down the hill. He said he's aware of the temporary measures but there is definitely going to have to be a fix to stop at least 85-90% of the cars. He said that this was a rare accident with the speed the car came through, and it almost destroyed an historical landmark building. He said it's hard for him to get insurance now because of this third accident so the city better start thinking of safety and the reconfiguration of Harborview and Pioneer.

Councilmember Young asked for clarification if Mr. Moraldi said that the city installed the flower box. Mr. Moraldi responded that the city either contracted with Wade Perrow or some sub-contractor, but whoever did it, it's the city's property and whoever designed it did a poor job. He said it should have been totally secured; not for aesthetics, but for the safety aspect adding that there was a ¼", twelve- foot-long piece of steel on each side with dirt filling which stopped nothing.

Herb Harmes. Mr. Harmes said he hasn't heard a recommendation one-way streets and asked why not divert the traffic at Judson to go in a counterclockwise direction so that everyone going down the hill has to get off on Judson and go around on Soundview. Then you can make Pioneer Way up to Judson one-way. On the one-way streets, put in diagonal parking to increase spaces and slow down the traffic. No one would be going toward the building because you build a barrier. This wouldn't take a lot of design work and you could use Jersey barriers to see if it works. Then people in town will say the City Council is taking action to solve a real serious safety problem.

Councilmembers and the Mayor responded that this has been suggested in the past but it was a very unpopular idea. Mr. Moraldi said it would be more unpopular if 25 people had been killed in that building. Everyone agreed and Councilmember Franich said that is why we need to put a safety structure in at the foot of the hill to address this issue.

Russ Humbert – Key Peninsula. Mr. Humbert, said he is a frequent visitor to downtown Gig Harbor, is a member of 123 Fit and has served on the Key Peninsula Planning Process. He said he hasn't heard a suggestion to turn the section from Judson to Harborview Drive into a plaza. You defer traffic off at Judson and no you have a block-

long plaza use for street fairs, art shows and other events. Along with that, there would be a barrier at Judson and the one in front of Harbor Inn for an even bigger safety factor. He said you will never stop an incident like happened last week; you couldn't design something within the city's budget, it would be something along the line of protecting a federal building. He said that a barrier at the end of the square and one at the end would prevent 90% of runaway vehicles. He then talked about how lucky we were that it was 6:00 a.m. and not a Saturday afternoon or evening with pedestrians on the street. He said the other advantage would be to eliminate three stop signs that are abused by citizens, law enforcement, and the fire department who do rolling stops through there. There are many things you could do beyond just adding a couple sidewalks or building a barrier to make this area more usable.

Steve Mactoff – Co-owner of 123 Fit. Mr. Mactoff explained that he is a former police officer and ever since the accident he has heard how fortunate there have only been two fatalities. He stressed that he had five employees in the building that day that will never be the same. He said the accident has affected many lives and said before anything is done this should be on the top of the agenda. He discussed a similar situation in Oregon where they acted quickly to save lives. He said that safety has got to be first and you can't build something in front of the building to slow a car down or to stop it; the building is a target and so you have to correct the problem to prevent it from occurring. He said if you do something from Judson to Harborview like has been suggested you can construct something to stop a vehicle, but you can't stop one from coming from Kimball to Harborview. He asked the city to act fast.

Patty Tone – Fox Island. Ms. Tone said she is one of the fortunate people that got out of the building alive. She said she has listened to that talk about parking and sidewalks and she understands that her priority tonight isn't part of the city's big picture. She implored Council to move this to the top of the agenda. She said her children are fortunate she is still here with them today and she can't begin to say how frightening it was and how very fortunate she feels to be able to ask the Council to do something about this now. She asked not to table it, not to put it aside, and not trade it for a sidewalk on Judson. She asked Council to please do something now.

Mayor Hunter responded that this is the intent.

Kit Kuhn – 3104 Harborview Drive. Mr. Kuhn said he thinks barriers are not the answer because both times the vehicles came down the hill they a chance to veer off but didn't. He said he likes the idea of one-way up Pioneer as a solution. He explained that the reason one-ways were not popular before is because they wanted to make Harborview one-way. He said another reason to make this section one-way is parking. He said if you make that corner beautiful and there are no businesses, it won't do any good. He said he is going to do a six-month survey to show you that parking is a big problem, adding that one-third of his customers are over 70 years old and if they can't park within a block they don't come. He then said he likes the design on Judson that creates more parking and what has been designed for the Post Office drop boxes. He then said that the consultants didn't come into his or most people's store to talk about design adding



that he would like to see more retailers involved. He discussed the abuse of the parking said he would like to approach Del Stutz see if there is a way to lease parking; he asked Council to consider this. He finalized by asked for more parking, saying if they can't get here what does it matter how pretty it is.

Councilmember Payne responded that their objective is to gain parking. The Master Plan adds over 145 spaces throughout the downtown and through the corridor down to the History Museum. He said that there was one spot lost close to Mr. Kuhn's business that was addressed in Monday's meeting. He emphasized that there have been multiple public hearings on parking and design to gain public input from business owners, property owners and citizens. He said that on Monday night before the accident, concern was expressed and discussion on what is the best safety options in front of Harbor Inn, and so he doesn't want anyone to think Council is operating in a vacuum. He stressed the need for input as we go along and encouraged participation.

Mr. Kuhn said he showed Rob Karlinsey how the design eliminated 3-4 parking spaces on the corner of which the consultants weren't aware; and Rob was able to get those back.

Jean Gazabat – property owner on Judson. Mr. Gazabat voiced a formal complaint about the people hired for the design. He explained that he met twice with them and in his case there is a net loss of seven parking spaces. He said that he too suggested places for additional parking and they scoffed at him. He said he told them it isn't about pretty, but about parking and asked them to acknowledge Judson as the overflow parking for the downtown core. Mr. Gazabat said that parking is a battle between all tenants and all owners to the point that towing of other customer's cars is being considered as business owners are monitoring who is parking in their lots. He said that he gave the consultants good suggestions on how to fix parking on Judson but none have been implemented. He suggested to Councilmembers that the plans are very poor, the consultant's have no concept of what Gig Harbor is, or that the major issue is parking. He said he would really like the city to hire someone local and with a vested interest to do Judson one time, right. He said he knows how to do that, and asked twice to be included, but was never called. Mr. Gazabat said he spent eight years on the PAC, has done real estate for 30 years, and knows how to fix Judson and even would have drive to Bellevue to participate in the design process. He said that the gentlemen were not responsive and laughed at the owners, adding that he feels he has been treated poorly. He said he would like it to be corrected and wants to be included.

Councilmember Young asked where the spots were lost on Judson. Mr. Gazabat mentioned in front of the marine store, at Key Bank, the mail drop off and if you eliminated the bus stop you could use diagonal parking. He stressed that he only cares about parking and when he mentioned a gain of 7-8 spots behind the Stutz Memorial, the consultants laughed at him; not appropriate behavior.

Bill Fogerty – Water’s Edge Gallery. Mr. Fogerty talked about the loss of two spots in front of his business and stressed that due to the nature of his framing business he needs the parking spots. He said he can’t get the consultants to come in and talk to him.

Councilmember Payne responded that it was his impression that these spaces were not being sacrificed. Mr. Stubchaer offered to take a look at the design but he didn’t think so either.

Tish Mactoff – owner of 123 Fit. Ms. Mactoff said she has heard about the financial concerns, but said we need to look at the value of human life before sidewalks. She asked that in planning this project to keep this in mind. She read off the names of the people in the building that could have lost their lives: Ryan T. Ryan; Warren Zimmerman, Patty Tone, and Jan Campbell. She said she wasn’t there but either her daughter or Patty usually sits at the desk where the vehicle hit. She shared photos of the destruction, explaining that Patty had gotten up from the desk 30 seconds before the car came through. She then said a barrier at the target isn’t the answer and that sidewalks can be put on hold, but lives cannot. She said people aren’t going to want to join her fitness business unless something is done.

Mayor Hunter said that we understand the message and know there is work to do. He asked for direction from Council.

**MOTION:** Move to proceed and ask staff to bring back an expanded contract with safety improvements on Pioneer.  
**Young / Payne** – unanimously approved.

8. Prosecuting Attorney - Contract Renewal. Councilmember Ekberg said that he would like to compare the existing contract with the new proposal.

**MOTION:** Move to bring this back at the next meeting with a copy of the existing contract.  
**Ekberg / Franich** – unanimously approved

**STAFF REPORT:** None.

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

Mayor Hunter reported that a draft Request for Proposals for City Attorney had been forwarded to Council and asked for comments back as soon as possible.

Councilmember Payne encouraged the audience to participate by coming to public meetings. He asked the business owners to get with the Main Street Group who has been working on a parking study and participate.

**PUBLIC COMMENT:** None.

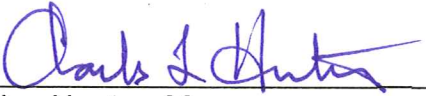
**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Cushman Trail Groundbreaking Ceremony – Friday, Sept. 26<sup>th</sup> at 4:00 p.m.
2. City Council / Planning Commission Joint Workstudy Session: Mon. Sept. 29<sup>th</sup> at 6:00 p.m. Community Rooms A&B.
3. Wastewater Treatment Plant Groundbreaking Ceremony – Wednesday Oct. 1<sup>st</sup>, at 11:00 a.m.
4. Open House – Six Year and 20 Year Transportation Improvement Plan – Thurs. Oct. 2<sup>nd</sup> at 5:00 p.m.
5. Planning / Building Committee: Mon. Oct. 6<sup>th</sup> at 5:00 p.m.
6. GH North Traffic Options Committee – Wednesday, Oct. 8<sup>th</sup>, at 9:00 a.m. in Community Rooms A & B.
7. Intergovernmental Affairs Committee: Mon. Oct. 13<sup>th</sup> CANCELLED.
8. Reception for Bob Mortimer – Monday, Oct. 13<sup>th</sup> at 5:00 p.m.
9. BB16 Interchange Options Open House – Monday, Oct. 27<sup>th</sup> at 5:00 p.m.
10. Budget Worksession: Court, Admin, Finance, Planning, Building/Fire Safety, Police, Tourism – Monday, November 3<sup>rd</sup> at 6:00 p.m.
11. Budget Worksession: Public Works – Tuesday, November 4<sup>th</sup> at 6:00 p.m.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:16 p.m.  
**Franich / Kadzik** – unanimously approved.

CD recorder utilized:  
Disk #1 Tracks 1- 16  
Disk #2 Tracks 17-34  
Disk #3 Tracks 34-43 (44-48 defective)  
Disk #4 Track 49

  
Charles Hunter, Mayor

  
Molly Towsee, City Clerk