

# City Council Meeting

**July 11, 2016**  
**5:30 p.m.**



**AMENDED AGENDA FOR  
GIG HARBOR CITY COUNCIL MEETING  
Monday, July 11, 2016 – 5:30 p.m.**

**CALL TO ORDER / ROLL CALL:**

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS:**

Life Saving Awards: Officer Jarab Daniel and Officer Dan Welch

**CONSENT AGENDA:**

1. Approval of City Council Minutes Jun 27, 2016.
2. Liquor License Action: a) Application: Millville Pizza Co.; b) Special Occasion – Rotary Foundation of Gig Harbor North;
3. Receive and File: a) Planning Commission Minutes June 6, 2016; b) Draft Finance/Safety Committee Minutes June 20, 2016; c) The Retail Pot Shop Marijuana License.
4. LED Street Light Luminaire Conversion Project - Public Works Construction Contract.
5. Utility Easement – Peninsula Lights Co., Century Link Inc., Comcast Cable.
6. Approval of Payroll for the month of June: Checks #7683 through #7694 and direct deposits in the amount of \$408,377.02.
7. Approval of Payment of Bills July 11, 2016: Checks #81641 through #81744 in the amount of \$703,054.46.

**ADJOURN TO WORKSTUDY SESSION:** Impacts of Growth Part II: Police Department Requirements 2017-18

**OLD BUSINESS:** None scheduled.

**NEW BUSINESS:**

1. Public Hearing, First Reading, and Adoption of Ordinance No.1340 - Impact Fee Deferral.
2. Naming of New City Park West of Heron's Key.
3. Welcome Plaza/Lift Station No. 4B Improvements Project - Public Works Construction Contract.
4. Ancich Waterfront Park - Councilmember Malich.

**PUBLIC COMMENT:**

**STAFF REPORT:**

Pierce Conservation District Advisory Council Update – Jeff Langhelm.

**COUNCIL REPORTS / COMMENTS:**

**CITY ADMINISTRATOR REPORT:**

**MAYOR'S COMMENTS:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Boards and Commissions: Tue. Jul 19<sup>th</sup> at 4:00 p.m.
2. Intergovernmental Affairs: Mon. Jul 25<sup>th</sup> at 4:30 p.m.

**EXECUTIVE SESSION:** For the purpose of discussing potential litigation per RCW 42.30.110(1)(i).

**ADJOURN:**

















**MINUTES FOR  
GIG HARBOR CITY COUNCIL MEETING  
Monday, June 27, 2016 – 5:30 p.m.**

**CALL TO ORDER / ROLL CALL:**

Mayor Pro Tem Payne, Councilmember Malich, Arbenz, Perrow, and Lovrovich.  
Mayor Guernsey, Councilmember Ekberg and Kadzik were absent.



**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

1. Approval of City Council Minutes June 13, 2016.  
2. Correspondence / Proclamations: a) New Flags Thank You Letter–Rotary Club of Gig Harbor.  
3. Liquor License Action: a) Application – Round Table Pizza;   b) Added Privilege – Puerto Vallarta Restaurant;   c) Special Occasion Licenses – Downtown Waterfront Association Sip and Stroll (25);  
4. Receive and File: a) Public Works Committee Minutes May 9, 2016.  
5. Resolution No. 1038 – Village at Holly Circle Final Plat.  
6. Minimum Driving Requirements Policy.  
7. Approval of Payment of Bills June 27, 2016: Checks #81524 through #81640 in the amount of \$606,592.83.

**MOTION:** Move to adopt the Consent Agenda as presented.  
Arbenz / Lovrovich - unanimously approved.

**PRESENTATIONS:**

South Sound Behavioral Health   – Brad Cheney shared that he is a citizen of the Gig Harbor area and has signed on as community member and co-chair of the coalition to build a behavioral health hospital in Tacoma. Franciscan and Multi Care have teamed up and they will be building the new facility. Mr. Cheney shared the campaign consist of a large coalition. He explained this will be funded by the two hospitals, state and federal governments, and \$5M from private donors.

Bill Weyerhauser, Co-chair of the coalition. Mr. Weyerhauser stated that South King County is facing a crisis that has been growing over time. He said there are several mentally ill people in our community who have no place locally for treatment. Nationwide, on average, there are 26 beds per 100,000 people. Our state average is 8.3 beds per 100,000 and Pierce County has 2.8 beds per 100,000. He said this leads to mentally ill people wandering the streets, our jail becoming the largest acute care facility in the county, and the number of families with no place to take their family members. This coalition is a private/public partnership.

Sara Long, resident of Gig Harbor. Ms. Long said she is working with coalition to seek private funds. She said it is estimated that it will be \$5M, possibly more, to finish the capital needs of the hospital. She said they are asking the City of Gig Harbor to join in private funding to bring solutions to the behavioral health crisis in our community.

[County Councilmember Derek Young](#) said he supports the effort and the need is evident and vast. He stated that the county is supportive but not yet committed due to poor financial shape. However, the county is looking toward adoption of a local mental health tax that would allow them to apply some of the dollars toward this project.

[Ingrid Mungia](#), Government Affairs Manager with Multicare Health System. Ms. Mungia stated that there will be 120 beds on the Allenmore campus and they hope to open the doors by 2018. She said this hospital will be linked with other services in the community such as Western State Hospital, voluntary and involuntary crisis, triage, and follow-up appointments. She shared that in terms of funding, they received \$5M from the state in 2015, and this year they will be applying for grants between \$3M-5M. They will also be working with their federal delegation for \$10M.

[Tim Thompson](#) Mr. Thompson stated that Pierce County is one of the worst in underserved mental health patients in all of North America. With our military bases and PTSD as well as citizens suffering from mental health, the only resort we currently have is to put them in our jails or treat them on the streets. He said that the coalition is looking for a shared responsibility to finance. He said they have gone to every municipality and have asked Tacoma for \$1.5M, Pierce County for \$1.75M, Lakewood \$350,000, Auburn \$400,000, Puyallup \$250,000, Fife \$200,000, Fircrest \$100,000, and are asking Gig Harbor for \$150,000. He said they have various degrees of commitment and funding could be done over a number of years.

[Mayor Pro Tem Payne](#) asked Mr. Thompson a series of questions.

### **OLD BUSINESS:**

1. [Harborview Drive Sidewalk Improvement Project.](#)    

Public Works Director Jeff Langhelm and Engineer Trent Ward gave an overview of the project, grant awards, and communication with the property owner. Mr. Ward explained the City received 9 responsive bids for the project, all much higher than the engineer's estimated costs which is representative of the upward trends in construction costs that we are witnessing in the greater Puget Sound area. The lowest responsive bid exceeds the estimated costs, the TIB has awarded the City an additional \$50,000 for a total award of \$337,173. This leaves a project funding deficit of \$293,665.00. He explained the determination Council will need to make in order to move forward.

Mr. Langhelm addressed Council questions. After Council deliberation, the following motion was made.

**MOTION:** Move for Option B to reject the bids and direct staff to redesign and re-permit the project between the limits of North Harborview Drive and Austin.  
Arbenz / Perrow – unanimously approved.

### **NEW BUSINESS:**

1. [Public Hearing, First Reading, and Adoption of Ordinance 1339 Vacating a Portion of Woodward Avenue.](#)  

City Engineer Steve Misiurak gave background information regarding the unopened and unused

portion of Woodworth Avenue. The vacation request complies with the City's Municipal Code and the State's non-user statute.

Mayor Pro Tem Payne opened the Public Hearing at 6:34 p.m.

1. [Michael Hall 1339 Woodworth Avenue](#) – owner of said property. Mr. Hall explained he has taken care of the property and would like to continue to maintain that area.



Mayor Pro Tem Payne closed the Public Hearing at 6:35 p.m.

Mr. Misiurak answered Council questions and the following motion was made.

**MOTION:** Move to adopt on first reading Ordinance No. 1339 vacating a portion of Woodworth Avenue.  
Lovrovich / Perrow- unanimously approved.

**CITY ADMINISTRATOR / STAFF REPORT:** No reports.

**PUBLIC COMMENT:**

1. [Paul Crow - 3615 Harborview Drive](#). Mr. Crow stated he doesn't understand why the City would purchase a property and then propose a development for a private club. The private club restricts most, if not all, public access unlike Eddon Park or Jerisich Park. He said he is perplexed by this because why are we doing this, spending all the public's money, and haven't given the public a say in this. At the very least we should have allowed a vote just as we did with Eddon Boatworks. He said another concern is putting some of the smallest craft in the harbor next to the largest. He said the other proposal, as he understands it, is to have a commercial dock there which is a fantastic idea and he knows there are a lot of seiners that have Gig Harbor on their stern but are unable to moor in Gig Harbor. So this would now give them a home. Another concern is putting the small boats next to large boats, the traffic in and out of harbor has grown dramatically over the years and large boats don't stop on a dime and has witnessed near misses. Why are the taxpayers supporting a private club. Mr. Crow asked when will a decision be made and Mayor Pro Tem Payne responded that as far as he knew there is not an agenda item for a final decision at this point.
2. [Doug and Pat Johnson – 9815 40<sup>th</sup> Ave Ct NW](#).   Mr. Johnson stated he is here to address the Peacock Meadows storm water situation. There was a meeting on June 14<sup>th</sup> to resolve this and the builder decided to withdraw from the process. Mr. Ron Williams said that it was because of something we had said and so we're here to set the record straight. The meeting was originally scheduled for June 6<sup>th</sup> but Mr. Williams forgot to confirm with the builder so the Johnson's showed up anyway and the builder never did. Mr. Johnson said he asked if they could get a preview of what the meeting topics were going to be and were told they were going to have to wait. He said Mr. Williams told him that he had talked to the engineer from the engineering firm and Ron was excited that he might be able to participate. Mr. Johnson said that he told Mr. Williams that a better person to have would be the owner of the engineering firm. He said he sent an email to Ron to confirm the meeting and Ron said the meeting was still on but there would be nobody from the engineering company. The builder, the first thing out of his mouth, was it took too much time and he was barely there. Mr. Johnson said he

heard that the builder had had multiple meetings with Mr. Williams and that might be part of the reason that he was exasperated. Mr. Johnson stated the builder said he has not seen any of the communications between the Johnson's, their attorney and his attorney and they were the ones that wanted to start communication by attorney. Mr. Johnson shared a map of the plan the City gave to them with the exceptions of the purple writing which is what Mr. Johnson said he wrote in. There is no professional engineering stamp on it but he said Jeff Langhelm did the cost estimates on it because their attorney says you need the cost estimates from somebody that actually does the work. Mr. Johnson said there was a mistake on the drawing and letter A is supposed to be x'd out, he said he put that in there. Section 1 needs a bigger swale on Pat Elliot's property. He said they were told they'd get a bigger ditch on the street in front of their property and a catch basin. The only part of the original swale is Part B that still meets their requirements and on the stormwater plans it said their property was undeveloped. Mr. Johnson stated that all the changes on this map prove the point that the quantity of the water coming on to the property is significantly higher than pre-development conditions. They have released the stormwater from a steeply sloped 3 ¼ acre parcel through one pipe pointed at their property and they've done this to cram as many building sites on the property. The stormwater is not being discharged at the natural flow point and that is on the map and can be confirmed by past and former residents. Mr. Johnson stated this is all covered in the stormwater manual. The builder no longer wants to be involved in the process, the engineering firm did not take part, and Mr. Williams said they have to pursue them themselves if they chose to do so. According to the stormwater manual, the engineer shall remain responsible for the accuracy, completeness, and scope of all work submitted to the director. Should errors, omissions, or inaccurate data of the engineers work come to the directors' attention in the future, the engineer shall be responsible for correcting all deficiencies when necessary and shall be responsible for any damages resulting from the incorrect work. That is from the stormwater codes and the manual and that has not taken place and the City has failed to join the parties to resolve the situation. Mr. Johnson said Mr. Williams said he would build a case and his only involvement was the septic system and not the issues of stormwater quantity and the illegal discharge point. Mr. Johnson said he encourages Council to follow the stormwater manual and take action.

Jeff Langhelm made a clarification for the record stating that he did not provide the engineer's estimate and he wanted to be sure his engineering license is not subjected here.

3. [Nick Tarbochia – 8021 Shirley Avenue](#). Mr. Tarbochia stated he is former Parks Commission member and resident of Gig Harbor. He said in going back through his notes, the square footage of the building being proposed was in the 1800 square foot range, including the bathrooms. He said they worked with the Kayak Club on the Skansie Property and were looking at an open air structure that was portable and flexible. He said that open space is a prime concern. He stated he offered his net shed to the Kayak Club for storage and offices and they declined it. He said there was a memo given to the Parks Commission listing the history of the request from the City Council, tasking the Parks Commission to work out the final recommendations on a policy which will be forwarded to the attorney for review. He said that public benefit is the utmost importance for the development of this property.
4. [Nancy Jerkovich - 6828 93<sup>rd</sup> St Ct NW](#). Ms. Jerkovich stated at the last meeting she asked Council to mark the Ancich property site so the public could see what could be possible. She said she was disappointed that didn't get done. A private citizen marked the property off with the dimensions given from the City but the City removed them. She said she hopes someone

will go down and mark the property off so the public can see what is in mind before the next meeting.

5. [Dawn Ancich - 3615 Harborview Drive](#). Ms. Ancich said she dittos what Ms. Jerkovich said and that it was a perfect opportunity for the public to see it onsite rather than a drawing. She said it's a great way for the public to see what's proposed.
6. [Jim Franich - 3702 Harborview Drive](#). Mr. Franich said it is vital to have the property marked. He said he sent an email to Councilmember Perrow regarding the survey the City is planning to send out and thinks it should include additional questions, more than how much people are willing to pay to store their kayak there. He would like the questions asked, "would you rather see larger open space or larger structure in light of what the Shoreline Master Program restrictions has on it?" Mr. Franich asked if the council would be reviewing the questionnaire before it goes out in the mail. Mayor Pro Tem Payne answered yes. Mr. Franich stated he encourages the City to use the lobbyist to lobby the state to increase the amount the City workers can do on a Public Works project. He asked if the \$100,000 is per project or per year. Mr. Langhelm answered that is \$75,000 per project. Mr. Franich said that the City Public Works Department could do the sidewalk project and it would be much more cost effective.
7. [Kirstin Gregory - 8115 43<sup>rd</sup>](#). Ms. Gregory stated Gig Harbor has a long history of partnering with community organizations and allowing community organizations to operate on public property, such as Skansie Net Shed, Harbor WildWatch, Gig Harbor BoatShop, Chamber of Commerce and Boys & Girls Club. She said it is a common model in nearby communities and human powered water craft organizations are supported by communities surrounding us through allowing use of their parks. Cities have dedicated part of their parks to allow community paddling, rowing and sailing organizations to operate out of those parks.
8. [Jack Bujacich - 3607 Ross Avenue](#). Mr. Bujacich stated the important thing in marking the property is that the Council see it because they are the ones that make the decision. He said the sad part is that the City won't mark it but when the private people take the same measurements and put it on there, the staff takes it out by the direction of City administration. He said when you look at the size of the building and the buffer area on the water, there isn't much room left. There's no access to the water until you repair the dock. He said he would think they would repair that first so there would be access to floats and for the kayaks. He stated that the organizations mentioned by the previous speaker are all a public service and it isn't private use. He said he has yet to hear what the kayak club or any public property owner that wants to use the storage space are going to pay for the use.
9. [Karen McDonnell 14410 Sherman Drive](#) Ms. McDonnell said that she watched the kayak rental place by Anthony's and it looked like a thriving business which made her wonder why the kayak club isn't doing something like that and leasing floats and paying their own way. She said she is hearing about the enormous amount of money being spent on this oversized building and exclusive use. She said she wants Council to realize the reason the building is so huge is because they are anticipating the kayak club is going to be the anchor tenant there and it has to be a 40' building because they have 38' kayaks. She said if there were no building at all there could be beautiful trees and beautiful benches and you wouldn't have your community fighting over the exclusive use of a private club.

10. [Tracy Crow -3615 Harborview Drive](#). Ms. Crow said there is a huge safety issue because of the busy harbor with different craft. The volume of kayaking and paddle boarding in a very tight space are different from the public use places mentioned earlier. The parking situation, there is no parking to begin with and twice a day the kayaks monopolize the parking. She said that's a safety issue in her mind and is her primary concern.
11. [Louise Teiman - 7789 Beardslee Avenue](#). Ms. Teiman stated the team does not have 60 kids being dropped off at a time, maybe 30. She said she has objected to the characterization that this is a single tenant project, it has only ever been discussed as a multi-use facility. She said when they provided information on the needs of the kayakers, she said it was with the intent that there was room for public use. She said there's lots of examples of how non-profit groups use public facilities all over and in the harbor and this is not an exception but is an important part of the community. The youth of the community is part of the community. The safety issue is legitimate but it has to be balanced. It is not safe to launch from Jerisich Dock. At Ancich, the big boats are parked most of the time. Ms. Teiman said there are not thousands of places for paddlers to go and the community is looking on how to handle and direct the activity that is part of our waterfront and this is one solution and she said she thinks it's an elegant one and maximizes the use of the property.

#### **MAYOR'S REPORT / COUNCIL REPORTS:**

[Councilmember Malich](#) said Ancich Park should be staked and not hire a surveyor, but to get a close visual idea of what it will look like just as they did for Lift Station 4. He stated he was assured he would have a motion tonight to direct staff to reduce the size of the building until another councilmember requested it to be removed. He said there is nothing written in our code that says a councilmember can ask to have something removed. He said we need to establish something in our Ordinance to have a revision.

Mayor Pro Tem Payne shared GHMC 2.04.030 regarding Council meetings. He stated that we will see that agenda item come forward at our next meeting.

[Councilmember Arbenz](#) said that if a councilmember is assured their item is going to be on the agenda, regardless of attendance, it should remain on the agenda.

[Councilmember Perrow](#) said he agrees with Councilmember Malich that it was clear the item would be on the agenda. However, having it at the next meeting is a better situation with everyone here. He said he asked staff to confirm the staking of the site was within a reasonable margin of error and his questioning was well intended but it led to the removal of the stakes. He apologized to citizens that this happened. He said he hopes it will be staked again. Councilmember Perrow asked about having signage at the site. Jeff Langhelm said there have been more signs ordered.

[Finance / Safety Committee](#): Councilmember Perrow shared a summary of the Finance/Safety Committee held on June 20.

[Mayor Pro Tem Tim Payne](#) said he agrees on staking the site and a general approximate is what he would like to see, to include height and where the building perimeters would be. He stated that



if there is another Councilmember who wants an agenda item pulled, the councilmember and the one who seconded the motion should be contacted prior to the item getting pulled.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Civic Center closed for July 4<sup>th</sup> Holiday.
2. Planning / Building Committee: Tue. Jul 5<sup>th</sup> at 5:30 p.m.
3. Public Works Committee Jul 11<sup>th</sup> at 4:00 p.m.

**EXECUTIVE SESSION:** Council adjourned to Executive Session at 7:24 p.m. for approximately twenty minutes for the purpose of discussing potential litigation per RCW 42.30.110(i) and property acquisition per RCW 42.30110(1)(c).

City Attorney Angela Summerfield extended the Executive Session for 5 more minutes at 7:44 p.m.

[Council returned and adjourned](#) the meeting at 7:49 p.m.

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Mayor Pro Tem Tim Payne

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Shawna Wise, Assistant City Clerk

NOTICE OF LIQUOR LICENSE APPLICATION

WASHINGTON STATE LIQUOR AND CANNABIS BOARD  
License Division - 3000 Pacific, P.O. Box 43075  
Olympia, WA 98504-3075  
Customer Service: (360) 664-1600  
Fax: (360) 753-2710  
Website: http://lcb.wa.gov

TO: MOLLY TOWSLEE, CITY CLERK  
RE: NEW APPLICATION

RETURN TO: [localauthority@sp.lcb.wa.gov](mailto:localauthority@sp.lcb.wa.gov)  
DATE: 6/28/16

UBI: 603-565-359-001-0001

License: 422090 - 1U County: 27  
Tradename: MILLVILLE PIZZA CO

APPLICANTS:

MILLVILLE PIZZA CO. LLC

Loc Addr: 3409 HARBORVIEW DR  
GIG HARBOR WA 98332-2127

ROSS, JOHN  
1980-03-28

Mail Addr: 1410 CASCADE PL NW  
GIG HARBOR WA 98332-9506

WOLFE, ALYSSA  
1988-02-10

Phone No.: 253-229-1907 JOHN ROSS

Privileges Applied For:  
DIRECT SHIPMENT RECEIVER-IN WA ONLY  
BEER/WINE REST - BEER/WINE

**As required by RCW 66.24.010(8),** the Liquor and Cannabis Board is notifying you that the above has applied for a liquor license. You have 20 days from the date of this notice to give your input on this application. If we do not receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you need information on SSN, contact our CHRI desk at (360) 664-1724.

- |   | YES                      | NO                       |
|---|--------------------------|--------------------------|
| 1. Do you approve of applicant? .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location? .....  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken? .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| (See WAC 314-09-010 for information about this process)   |                          |                          |
| 4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based. |                          |                          |

DATE

SIGNATURE OF MAYOR,CITY MANAGER,COUNTY COMMISSIONERS OR DESIGNEE

WASHINGTON STATE LIQUOR AND CANNABIS BOARD - LICENSE SERVICES  
3000 Pacific Ave SE - P O Box 43075  
Olympia WA 98504-3075

TO: MAYOR OF GIG HARBOR

June 22, 2016

SPECIAL OCCASION #: 092973

ROTARY FOUNDATION OF GIG HARBOR NORTH CLUB  
PO BOX 1411  
GIG HARBOR WA 98335

DATE: AUGUST 13, 2016

TIME: 9 AM TO 4 PM

PLACE: UPTOWN SHOPPING CENTER (ENCLOSED) - 4701 POINT FOSDICK DR NW, GIG HARBOR

CONTACT: RICHARD SOULAM (DOB 9.10.42) 253-878-4730

SPECIAL OCCASION LICENSES

- \*  Licenses to sell beer on a specified date for consumption at a specific place.
- \*  License to sell wine on a specific date for consumption at a specific place.
- \*  Beer/Wine/Spirits in unopened bottle or package in limited quantity for off premise consumption.
- \*  Spirituous liquor by the individual glass for consumption at a specific place.

If return of this notice is not received in this office within 20 days from the above date, we will assume you have no objections to the issuance of the license. If additional time is required please advise.

- |  |           |          |
|--|-----------|----------|
| 1. Do you approve of applicant?  | YES _____ | NO _____ |
| 2. Do you approve of location?   | YES _____ | NO _____ |
| 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? | YES _____ | NO _____ |

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	YES _____	NO _____
LAW ENFORCEMENT	_____	YES _____	NO _____
HEALTH & SANITATION	_____	YES _____	NO _____
FIRE, BUILDING, ZONING	_____	YES _____	NO _____
OTHER:	_____	YES _____	NO _____

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

\_\_\_\_\_  
DATE SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

**Minutes**  
**City of Gig Harbor Planning Commission**  
**Work Study Session**  
**Gig Harbor Civic Center – Community Rooms A&B**  
**June 2, 2016**

**5:00 p.m. - Call to order, roll call**

**Present:** Reid Ekberg, Craig Baldwin, Bill Coughlin, Pamela Peterson, Meridith Hatch, Rick Gagliano

**Staff:** Lindsey Sehmel, Jennifer Kester, Leah Johnson

**Approval of Minutes:** May 19, 2016 Peterson/Baldwin Motion carried

**Work Study Session – Community Rooms A&B**

1. **Introduction of Comprehensive Plan Amendments:**
  - a. **Walt Smith Gravel Mine (PL-COMP-15-0001/PL-DEV-15-0002/PL-SEPA-15-0007) – Land Use Map Amendment Request**
  - b. **Mixed Use District Overlay Removal (PL-COMP-15-0003/PL-SEPA-15-0009) Land Use Map Amendment Request**
  - c. **Arts Commission Text Amendment (PL-COMP-15-0004/PL-SEPA-15-0010)**
2. **Zones and Uses in The Harbor:** Discuss next steps after receiving the public comment from May 19<sup>th</sup>.

**Other Business-** Site visit for Smith Comp Plan amendment and election of officers.

**Adjournment 7:03 PM Gagliano/Hatch**



## City of Gig Harbor Finance & Safety Committee Minutes

*Council Committee Arbenz, Ekberg, and Perrow*

**June 20, 2016 – 4:00 p.m.  
Executive Conference Room**

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**Call to Order:** 4:00 p.m.

**Roll Call:**

Present: Councilmembers Arbenz, and Perrow, City Administrator Ron Williams, Chief of Police Kelly Busey, Mary Ann McCool Human Resource Director, Dave Rodenbach Finance Director, Paul Rice Building and Fire, Eric Waters Gig Harbor Fire and Medic One, and Michael Williams Finance Technician.

**New Business:**

1. 5 Year Projection of the Budget Update. Dave Rodenbach presented four graphs in relation to Total Revenues as percentages of various trends and groupings. General Fund Revenues – showing major sources of revenues as a percentage of total revenues. General Fund Revenue Trends – Showing the trends of growth in building revenues and tax revenues. General Fund Taxes – showing the composition of general fund taxes. 2015 Sales Tax Composition – classifying sales taxes in four categories. Discussion of the individual graphs followed. Mr. Rodenbach asked for questions. Questions on further breakdown of the taxes and breakdown of other individual items on the graphs were discussed.

A question of who this information could be used in the budgeting process and a description of the current budgeting instructions to the separate city departments was discussed.

2. Proposed Mitigation Options for Residential Sprinklers Paul Rice presented a proposal for water meter charges for houses required to have sprinkler systems. That if the water meter must be upsized due only to fire sprinklers, that the GFC not be increased for a larger meter. An Amendment to Title 13.04.080 would reduce fees to builders of \$5,189.00 in GFC and inspection fees. Discussion followed about combining inspections with the plumbing inspections. How to determine if the larger meter would be required just because of the sprinkler system. Estimated costs of the sprinkler system without the meter fees. The possibility of incremental changes to start with larger houses. Mr. Waters discussed the fact that the sprinkler systems are infrastructure. That the average homeowner is in a house for seven years making the

decision for all the following homeowners of that property about fire sprinklers. Meetings with builders will be happening in the next couple weeks to allow them input in the proposed amendment.

**Adjourn:** 4:40 p.m.

**Next Meeting Date:** September 19, 2016



Washington State  
Liquor and Cannabis Board

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June 24, 2016

Jill Guernsey, Mayor  
Mayor of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

Re: New Application for Marijuana Retailer  
The Retail Pot Shop  
5209 Pt Fosdick Drive, #202  
Gig Harbor, WA 98335  
License #: 412027-7T  
UBI #: 601 636 755 001 0002

This letter is to inform you of our decision on the above application. We received your response to our June 16, 2016 notice of application. Your response, dated June 16, 2016, indicated disapproval of the location for this application. Based on WAC 314-55-050, your objection is not grounds for seeking denial of an application because it fails to meet any of the elements contained in that regulation. The Liquor and Cannabis Board cannot support denial of the application based upon a local ordinance. Local ordinances are the business of the given city or county and are not within the Board's jurisdiction.

This notification is for courtesy purposes only and we will not be offering nor granting you a hearing on this decision.

If you have any questions, please contact Kaitlin Leeberg, Supervisor, at (360) 664-1643.

Sincerely,

A handwritten signature in cursive script that reads "Janne Mylow for Rebecca Smith".

Rebecca Smith, Director  
Licensing and Regulation Division

cc: Michael Roe, Licensing Specialist Senior, WSLCB Licensing and Regulation Division  
Kaitlin Leeberg, Supervisor, WSLCB Licensing and Regulation Division  
File copy



June 16, 2016

Washington State Liquor Control Board  
Licensing Division  
PO Box 43075  
Olympia, WA 98504-3075

Re: UBI: 601-636-755-001-0002  
Applicant: The Retail Pot Shop – James Dean Formiller

**CITY OF GIG HARBOR'S OBJECTION TO  
MARIJUANA RETAILER LICENSE - WAC 314-55-160**

Dear Sir or Madam:

The City of Gig Harbor is in receipt of the Notice of Marijuana License Application for the above applicant dated 6/16/16, a copy of which is executed and enclosed. Pursuant to WAC 314-55-160 and RCW 69.50.331(7)(c), the City of Gig Harbor objects to the application and requests denial for the following reasons:

On August 10, 2015, the City Council adopted Ordinance No. 1323 banning all marijuana related land uses. A copy is enclosed for your reference. As such, no marijuana related uses are presently allowed in the City.

Section 5.01.120(C) GHMC provides that no business license shall issue if any of the conditions listed in GHMC 5.01.130(A)(1) through (6) exist or apply to the license applicant or premises proposed to be licensed. Two such disqualifying conditions apply to the subject application:

GHMC 5.01.130(A)(3) sets forth the following disqualifying condition: "The ... conduct of the business for which the license was issued has or will result in a danger to the public health, safety or welfare, or the violation of any federal or state law or any ordinance or regulation."

GHMC 5.01.130(A)(5) sets forth the following disqualifying condition: "The place of business does not conform to city ordinance."

Because the use listed on their application is not a permitted use in the City, the business license application identified above should hereby be denied.

As stated in WAC 314-55-050, RCW 66.50.331 provides the board "broad discretionary authority to approve or deny a marijuana license application. One such factor is



whether “the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.” The City of Gig Harbor exercised its police power when it determined the need to enact the moratorium related to marijuana-related facilities and uses. As a matter of public policy, and consistent with the authority provided to the Liquor Control Board under WAC 314-55-050 and RCW 66.50.331, the application should be and can be denied due to its inconsistency with applicable local regulations.

Notwithstanding any action taken by the Liquor Control Board, the City of Gig Harbor reserves any and all rights to enforce its local rules and ordinances.

Thank you for considering the City of Gig Harbor’s objection. If you require any further information in support of the City’s objection, please contact the undersigned.

Sincerely,



Jill Guernsey, Mayor

Enclosures



NOTICE OF MARIJUANA LICENSE APPLICATION

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

License Division - 3000 Pacific, P.O. Box 43075  
Olympia, WA 98504-3075  
Customer Service: (360) 664-1600  
Fax: (360) 753-2710  
Website: http://lcb.wa.gov

RETURN TO: localauthority@sp.lcb.wa.gov

TO: MAYOR OF GIG HARBOR

DATE: 6/16/16

RE: NEW APPLICATION

UBI: 601-636-755-001-0002

License: 412027 - 7T County: 27

APPLICANTS:

TIMBERLINE DEVELOPMENT, INC.

Tradename: THE RETAIL POT SHOP

FORMILLER, JAMES DEAN

1952-09-25

Loc Addr: 5209 PT FOSDICK DR  
#202  
GIG HARBOR, WA 98335

Mail Addr: PO BOX 2766  
GIG HARBOR, WA 98335-1310

Phone No.: 253-225-0200 DEAN FORMILLER

Privileges Applied For:  
MARIJUANA RETAILER

**As required by RCW 69.50.331(7)** the Liquor and Cannabis Board is notifying you that the above has applied for a marijuana license. You have 20 days from the date of this notice to give your input on this application. If we do not receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you need information on SSN, contact our Marijuana CHRI desk at (360) 664-1704.

- |  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Do you approve of applicant? .....  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 2. Do you approve of location? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken? .....  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (See WAC 314-55-160 for information about this process)  |                                     |                                     |
| 4. If you disapprove, per RCW 69.50.331(7)(c) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based. |                                     |                                     |

Jun 16, 2016  
DATE

*Jim Gurney*  
SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

**ORDINANCE NO. 1323**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATED TO REGULATION OF MEDICAL AND RECREATIONAL MARIJUANA USES; REPEALING AND REENACTING CHAPTER 17.63 GHMC TO PROHIBIT THE SITING, ESTABLISHMENT AND OPERATION OF ANY STRUCTURES, PROPERTY OR USES RELATING TO MEDICAL OR RECREATIONAL MARIJUANA PRODUCTION, PROCESSING, RESEARCH, SALE OR CULTIVATION; TERMINATING THE MORATORIUM ESTABLISHED UNDER ORDINANCE NO. 1301; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government's categorization of marijuana as having a "high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment." *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq; and

WHEREAS, the Washington voters approved Initiative 502 (I-502) in 2012, which authorized the Washington State Liquor Control Board to regulate and tax marijuana for persons twenty-one years of age and older, and added a new threshold for driving under the influence of marijuana; and

WHEREAS, I-502 decriminalizes, for purposes of state law, the production, manufacture, processing, packaging, delivery, distribution, sale or possession of marijuana, as long as such activities are in compliance with I-502; and

WHEREAS, the Liquor Control Board also adopted rules, promulgated at chapter 314-55 of the Washington Administrative Code, to implement I-502, which include, among other things: state licensing of premises where marijuana is produced and processed, and the inspection of same; methods of producing, processing, and packaging the marijuana and marijuana products; security requirements at such establishments; retail outlet locations and hours of operation; labeling requirements and restrictions on advertising of such products; licensing and licensing renewal rules; the manner and method to be used by which licensees may transport and deliver marijuana and marijuana products (among other things); and

WHEREAS, on September 23, 2013, the City Council approved Ordinance No. 1271 regulating marijuana-related uses in the City, codified at chapter 17.63 of the Gig Harbor Municipal Code; and

WHEREAS, the Washington State Attorney General issued an opinion in January 2014 that determined municipalities have authority to prohibit state-licensed marijuana businesses within a city's boundaries or to impose zoning and other land use regulations pertaining to such businesses; and

WHEREAS, on March 31, 2014, the Court of Appeals, Division I, in *Cannabis Action Coalition v. City of Kent*, held that despite the authorizing language in RCW 69.51A.085, collective gardens are illegal uses; and

WHEREAS, discussions between the Office of the Superintendent of Public Instruction (OSPI), the Peninsula School District, the City of Gig Harbor, and the WSLCB brought to the City's attention areas of concern regarding non-traditional educational sites funded by OSPI but not recognized in the permitting of licenses by WSLCB; and

WHEREAS, as a result, on April 14, 2014, the City approved Ordinance No. 1290 adopting an immediate six-month moratorium on applications for marijuana uses while the City considered regulations to address the definition of "secondary school;" and

WHEREAS, in August, 2014, the Rocky Mountain High Intensity Drug Trafficking Area issued a report entitled: "The Legalization of Marijuana in Colorado – the Impact," noting that: as of June 19, 2014, 36 counties prohibited recreational marijuana businesses, 8 counties had a moratorium or temporary ban on recreational marijuana businesses, 174 cities had prohibited recreational marijuana and 45 cities had a moratorium on recreational marijuana businesses; and

WHEREAS, the City Council held several public meetings to discuss the appropriate provisions for regulation of marijuana uses in the City and during this period the Pierce County Superior Court, on August 29, 2014, upheld the City of Fife's ban on all marijuana uses within the City of Fife; and

WHEREAS, due to the changing legal landscape relating to marijuana uses, the City Council anticipated and desired additional guidance from the legislature and the courts; and

WHEREAS, on September 22, 2014 the City Council approved Ordinance No. 1301 adopting a 12-month moratorium on applications for marijuana uses, requiring all non-exempt development permit applications and business license applications to be rejected and adopting a work plan directing the planning commission to draft an ordinance amending definitions in chapter 17.63 GHMC and to make any other recommendations in response to changes in law, among other things; and

WHEREAS, in 2015 the legislature passed Second Substitute Senate Bill 5052 (SSSB 5052), which changed the name of the Liquor Control Board to the Liquor and Cannabis Board, provided for a phase-out of collective gardens by July 1, 2016 and authorized cooperatives, as defined (effective July 24, 2015) and Senate Bill 5121 which created a marijuana research license that permits a licensee to produce and possess marijuana for limited research purposes; and

WHEREAS, on June 4, 2015, the Planning Commission held a public hearing to consider a broad range of options, including an outright ban of marijuana related uses, changes to definitions, separation requirements, and changes in law, and issued its recommendation to the City Council dated June 24, 2015; and

WHEREAS, after the Planning Commission issued its recommendation, the legislature passed Second Engrossed Second Substitute House Bill 2136 (SESSHB 2136), effective July 24, 2015, which provides for sales tax distributions to jurisdictions that do not prohibit marijuana producers, processors, or retailers and also includes language acknowledging a local jurisdiction's right to prohibit or place additional restrictions on the location of cooperatives within the jurisdiction; and

WHEREAS, as part of its compliance with the State Environmental Policy Act (SEPA) for the adoption of the rules for recreational marijuana regulation, the State adopted one report on the environmental impacts associated with the cultivation of marijuana, and the City is not aware of any other analyses performed by the State of Washington or any other entity to determine the environmental or secondary land use impacts that a proliferation of medical and recreational marijuana uses would have on towns, cities and counties in Washington; and

WHEREAS, nothing indicates that the Liquor and Cannabis Board will perform any additional analyses under SEPA to determine the significant adverse environmental impacts associated with any individual licensee's operation of a marijuana business; and

WHEREAS, the City plans under the Growth Management Act ("GMA," chapter 36.70A RCW), and is required to perform SEPA in connection with adopting any comprehensive plan or development regulations; and

WHEREAS, given that the City has no environmental information upon which to make any determinations relating to marijuana uses, such as the traffic associated with retail outlets or the water demand for processors, the City must collect the same from either the experiences of other areas or by empirical knowledge (after the use has located in the City and the impacts are known); and

WHEREAS, prior to adoption of further regulations relating to marijuana uses, the City will take careful, deliberate steps to evaluate marijuana uses, and to perform the environmental analysis that the State omitted; and

WHEREAS, the City Council held a public hearing on July 27, 2015, to take public testimony relating to this ordinance; and

WHEREAS, after consideration of the recommendation of the Planning Commission, the information provided by staff and public testimony, the City Council deems it to be in the public interest to repeal the marijuana regulations set forth in chapter 17.63 GHMC and reenact chapter 17.63 GHMC to prohibit all marijuana land uses in the City to protect the health, safety and welfare of citizens of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings. In support of the actions taken by this ordinance, the Gig Harbor City Council hereby adopts the following as findings and conclusions the recitals set forth above and the following:

A. Marijuana remains illegal under federal law. A memorandum issued by the U.S. Attorney General's office on August 29, 2013 did not change the law, but only announced the decision of the U.S. Attorney's Office to exercise prosecutorial discretion with regard to enforcement of the federal law within the States of Colorado and Washington. The U.S. Attorney's Office reserved the power to prosecute in any instance where it felt the efforts of the states fell short of "robust regulation," where a threat exists for the illegal distribution to minors, or where a threat of interstate distribution of marijuana was encountered.

B. The Washington State Constitution at Article 11, Section 11, grants the City of Gig Harbor authority to enact legislation regulating land uses within its jurisdiction so long as such local legislation is consistent with the general laws.

C. Nothing in Initiative 502 decriminalizing certain possession, use and delivery of specified amounts of marijuana and authorizing the Washington State Liquor Cannabis Board to develop and implement regulations for the licensing of marijuana production, processing and retailing expressly or impliedly preempts the City of Gig Harbor from exercising its land use regulatory authority, including the ban of marijuana cultivation, production, processing and retailing within city limits.

D. Nothing in chapter 69.51.A RCW--Medical Use of Cannabis Act--expressly or impliedly preempts the City of Gig Harbor from exercising its land use regulatory authority, including the prohibition of collective gardens (which are to be phased out completely in Washington State by July 1, 2016).

E. SESSHB 2136, effective July 24, 2015, recognizes a City's authority to prohibit cooperatives, as defined in SSSB 5052, within its jurisdiction.

F. Initiative 502 (codified in chapter 69.50 RCW), chapter 69.51A RCW, SSSB 5052 and SESSHB 2136 do not *require* any city to allow the location of any marijuana production, processing or retailing facility, collective garden, or cooperatives within its jurisdiction. The City retains jurisdiction under the state constitution and state law to adopt and enforce land use regulations intended to preserve and promote the general health, safety and welfare of its community.

G. Prohibiting the cultivation, production, processing and retailing of marijuana as set forth in Initiative 502, collective gardens as set forth in chapter 69.51A RCW, and cooperatives under SSSB 5052 is not intended to regulate the individual use of marijuana as authorized by Initiative 502 and chapter 69.51A RCW.

**Section 2. Termination of Moratorium.** The Gig Harbor City Council hereby terminates the moratorium imposed by Ordinance No. 1301.

**Section 3. Chapter 17.63 - Repeal and Reenactment.** Chapter 17.63 of the Gig Harbor Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

## CHAPTER 17.63

### MARIJUANA LAND USES PROHIBITED

#### Sections.

17.63.010	Purpose.
17.63.020	Definitions.
17.63.030	Prohibited Activities.
17.63.040	Uses Not Permitted in Any Zone.
17.63.050	Violations.
17.63.060	Enforcement.

**17.63.010. Purpose.**

A. The purpose of this chapter is to enact a prohibition of all medical and recreational marijuana uses, including medical marijuana dispensaries, collective gardens, cooperatives, individual or group cultivation of marijuana, and all marijuana production, processing, research and retailing, including those marijuana businesses licensed by the Washington State Liquor and Cannabis Board.

B. It is also the purpose of this chapter to stem the negative impacts and secondary effects associated with all marijuana uses, whether medical or recreational, including but not limited to the extraordinary and unsustainable demands that have been or will be placed upon scarce City policing, legal, policy and administrative resources; neighborhood disruption, increased transient visitors and intimidation; the exposure of school-age children and other sensitive residents to marijuana, illegal sales to both minors and adults; fraud in issuing, obtaining or using marijuana prescriptions and murders, robberies, burglaries, assaults, drug trafficking and other violent crimes.

C. No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (chapter 69.50 RCW).

**17.63.020. Definitions.** For purposes of this chapter, the following definitions apply:

“Collective Garden” means any place, area, or garden where qualifying patients engage in the production, processing, and delivery of marijuana for medical use as set forth in chapter 69.51A RCW and subject to the limitations therein, and to be phased-out effective July 1, 2016.

“Cooperative” means an entity with up to four members located in the domicile of one of the members, registered with the Washington State Liquor and Cannabis Board, and meeting the requirements under chapter 69.51A RCW.

“Cultivation” means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

“Dispensary, Medical Marijuana” means: any location that does not meet the definition of a “collective garden” and does not have a license from the Washington State Liquor and Cannabis Board for a marijuana producer, processor or retailer pursuant to I-502, where marijuana is processed, dispensed, selected, measured, compounded, packaged, labeled or sold. It also includes any vehicle or other mode of transportation, stationary or mobile, which is used to transport, distribute, deliver, sell, barter, trade or give away marijuana.

“Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than zero point three percent (0.3%) on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its

seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.

“Marijuana concentrates” means products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than sixty percent.

“Marijuana infused products” means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration no greater than ten percent (10%). The term “marijuana infused products” does not include either usable marijuana or marijuana concentrates.

“Marijuana processor” means a person licensed by the Washington State Liquor and Cannabis Board to process marijuana into usable marijuana, marijuana infused products, and marijuana concentrates, package and label usable marijuana, marijuana infused products, and marijuana concentrates for sale in retail outlets, and sell usable marijuana, marijuana infused products, and marijuana concentrates at wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the Washington State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana researcher” means a person licensed by the State Liquor and Cannabis Board to produce and possess marijuana for limited research purposes.

“Marijuana retailer” means a person licensed by the Washington State Liquor and Cannabis Board to sell usable marijuana, marijuana infused products, and marijuana concentrates in a retail outlet.

“Person” means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.

“Useable Marijuana” means dried marijuana flowers. The term “useable marijuana” does not include either marijuana-infused products or marijuana concentrates.

**17.63.030. Prohibited Activities.**

A. It is unlawful to own, establish, site, operate, use or permit the establishment, siting, operation, or use of a medical marijuana dispensary, collective garden, cooperative or marijuana production, processing, research or retail facility, regardless of whether it has a license from the Washington State Liquor and Cannabis Board.



B. It is unlawful to perform any individual or group marijuana cultivation activities anywhere in the City, regardless of whether such individual or group cultivation is addressed in chapter 69.51A RCW or other state law.

C. It is unlawful to lease to, rent to, or otherwise allow the operation of any medical marijuana dispensary, collective garden, cooperative, marijuana production, processing, research, or retailing business, whether it is located outdoors, indoors, in any building, structure, premises, location or on land in the City and regardless of whether the activity has been licensed by the Washington State Liquor and Cannabis Board.

D. The City shall not issue any business license for any marijuana businesses regardless of whether the business has been licensed by the Washington State Liquor and Cannabis Board. Any business license obtained in error or through misrepresentation of the activities conducted by the individual business shall be invalid and of no force and effect.

**17.63.040. Use Not Permitted In Any Zone.**

The use of any building, structure, premises, location or land for a medical marijuana dispensary, collective garden, cooperative, marijuana production, processing, research, or retailing is not allowed in the City, and such uses and activities are not permitted uses in any zone.

**17.63.050. No Vested or Nonconforming Rights.**

Neither this chapter nor any other City ordinance, City action or failure to act, statement, representation, certificate, approval, or permit issued by the City or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any marijuana business, collective garden, cooperative or marijuana producer, processor, researcher or retailer, even if licensed by the Washington State Liquor and Cannabis Board.

**17.63.060. Violations.**

Any violations of this chapter may be enforced as set forth in chapter 17.07 or as applicable, the Uniform Controlled Substances Act, chapter 69.50 RCW. In addition, violations of this chapter may be deemed to be a public nuisance and may be abated by the City under the procedures set forth in state law for the abatement of public nuisances.

**Section 4. Transmittal to Department.** Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce.


**Section 5. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 6. Publication.** This Ordinance shall be published by an approved summary consisting of the title.


**Section 7. Effective Date.** This Ordinance shall be published and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 10th day of August, 2015.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Angela G. Summerfield

FILED WITH THE CITY CLERK: 07/22/15  
PASSED BY THE CITY COUNCIL: 08/10/15  
PUBLISHED: 08/19/15  
EFFECTIVE DATE: 08/24/15  
ORDINANCE NO: 1323



**Business of the City Council  
City of Gig Harbor, WA**

**Subject:** LED Street Light Luminaire Conversion Project - Public Works Construction Contract

**Dept. Origin:** Public Works

**Proposed Council Action:**

1. Approve and Authorize the Mayor to execute a Public Works Contract with Valley Electric Co. in an amount not exceed \$456,540.62; and
2. Approve and Authorize the City Engineer to approve additional expenditures up to \$25,000.00 to cover any Public Works Contract change orders.

**Prepared by:** Trent Ward, PE *TW*  
Senior Engineer

**For Agenda of:** July 11, 2016

**Exhibits:** Public Works Contract

**Concurred by Mayor:**

**Approved by City Administrator:**

**Approved as to form by City Atty:**

**Approved by Finance Director:**

**Approved by Public Works Dir:**

**Approved by City Engineer:**

Initial &  
Date

*TG 7-6-16*  
*Ron W 7/6/16*  
*by email 7/5/16*  
*Jim DR 7/6/16*  
*7/6/16*  
*7/6/16*

<b>Expenditure Required</b>	\$481,540.62	<b>Amount Budgeted</b>	\$ 508,403.00	<b>Appropriation Required</b>	\$0
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**INFORMATION/BACKGROUND**

Goal 11 of the City's 2015-16 Budget (Street Division Capital Fund), is to systematically convert City street lights from metal halide to Light Emitting Diode (LED) to improve energy efficiency while reducing maintenance labor costs for 2015 – 2020.

In February 2016, staff applied for a LED Streetlight Conversion Grant from the Washington State Transportation Improvement Board (TIB) Relight Washington program, and on March 15, 2016 TIB awarded the City \$508,403.00 to convert all City Street Light luminaires to LED luminaires. Upon receipt of the grant, staff prepared contract documents for a Citywide LED Streetlight Conversion project in-house and advertised the project for bids on June 16, 2016.

**BID RESULTS**

The LED Street Light Luminaire Conversion Project was bid using the City's Public Works bidding process. The Engineer's Opinion of Probable Cost was \$560,000. A total of four (4) responsive bid proposals were received by the City of Gig Harbor on June 30, 2016. Bid results from each bidder are summarized below showing a total bid amount for all Bid Schedules.

BIDDER	TOTAL BID AMOUNT
1. Valley Electric Co.	\$ 456,540.62
2. Totem Electric	\$ 552,964.00
3. Transportation Systems	\$ 642,616.00
4. Titan Earthwork	\$ 695,715.00

### **FISCAL CONSIDERATION**

This project is anticipated to be fully funded by TIB grant funding obtained by the City in the amount of \$508,403.00. Additionally, upon completion of this project, the City will be eligible for Rebates/Incentives from Peninsula Light Co. which are estimated to total approximately \$100,000.00. As such, it is not anticipated that any City funds will be required for the completion of this project.

Furthermore, upon completion of this project, it is anticipated the City will realize annual energy costs savings of approximately \$36,000 or 50 percent energy savings as a result of the reduced energy usage of the LED luminaires compared to the existing City Street lighting luminaires.

### **BOARD OR COMMITTEE RECOMMENDATION**

N/A

### **RECOMMENDATION/MOTION**

1. Approve and Authorize the Mayor to execute a Public Works Contract with Valley Electric Co. in an amount not exceed \$456,540.62; and
2. Approve and Authorize the City Engineer to approve additional expenditures up to \$25,000.00 to cover any Public Works Contract change orders.

**CITY OF GIG HARBOR PUBLIC WORKS CONTRACT**

**LED STREET LIGHT LUMINAIRE CONVERSION PROJECT  
CSP-1611**

THIS AGREEMENT, made and entered into, this \_\_\_\_ day of \_\_\_\_\_, 201\_, by and between the City of Gig Harbor, a Non-Charter Code city in the State of Washington, hereinafter called the "City", and Valley Electric Co of Mt. Vernon, Inc., a corporation organized under the laws of the State of Washington, located and doing business at 1100 Merrill Creek Pkwy, Everett, WA 98203 hereinafter called the "Contractor."

**WITNESSETH:**

That in consideration of the terms and conditions contained herein and attached and made a part of this Contract, the parties hereto covenant and agree as follows:

The Contractor shall do all of the work and furnish all of the labor, materials, tools, and equipment necessary to complete the work under this contract generally consisting of Converting existing City street light luminaires with LED luminaires including obtaining necessary Labor & Industry electrical permits, removal of existing luminaires, and supplying, installing, testing and making functional all converted LED luminaires and associated controls and wiring, and other associated work, all in accordance with the **attached** Contract Exhibit, Special Provisions, and the Standard Specifications, including the schedule of prices in the "Proposal," for the sum of Four Hundred Fifty Six Thousand, Five Hundred Forty Dollars and Sixty Two Cents (\$456,540.62) including Washington State sales tax, subject to the provisions of the Contract Documents, the Special Provisions, and the Standard Specifications.

1. The Notice to Proceed will be given in accordance with Section 1-08.4 of Contract Documents. The Contractor shall commence construction activities on the project site in accordance with Section 1-08.4 of the Contract Documents. Contract time shall begin in accordance with Section 1-08.5 of Contract Documents. Work shall be substantially complete in accordance with Section 1-08.5 of the Contract Documents.
2. The Contractor agrees to pay the City for liquidated damages incurred according to Section 1-08.9 of the Contract Documents per day for each and every day all work remains uncompleted after expiration of the specified time, as liquidated damages.
3. The Contractor shall provide for and bear the expense of all labor, materials, tools and equipment of any sort whatsoever that may be required for the full performance of the work provided for in this Contract upon the part of the Contractor.
4. The term "Contract Documents" shall mean and refer to the following: "Invitation to Bidders," "Bid Proposal," "Addenda" if any, "Specifications," "Exhibit," "Contract," "Performance Bond," "Maintenance Bond," "Payment Bond," "Special Provisions," "Notice to Proceed," "Change Orders" if any, and any documents referenced or incorporated into the Contract Documents, including, but not limited to the Washington State Department of Transportation's "2016 Standard Specifications for Road, Bridge, and Municipal Construction," including the American Public Works Association (APWA) General Special Provisions, MUTCD, WSDOT Standard Plans and City of Gig Harbor Public Works Standards.
5. The City agrees to pay the Contractor for materials furnished and work performed in the manner and at such times as set forth in the Contract Documents.

- 6. The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, assigns, agents, subcontractors, and employees, does hereby agree to the full performance of all of the covenants herein contained upon the part of the Contractor.
- 7. It is further provided that no liability shall attach to the City by reason of entering into this Contract, except as expressly provided herein.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed the day and year first hereinabove written:

CITY of GIG HARBOR:

CONTRACTOR:

\_\_\_\_\_  
 Jill Guernsey, Mayor  
 City of Gig Harbor  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 (Signature of Official)  
 \_\_\_\_\_  
 (Print Name)  
 \_\_\_\_\_  
 (Title)  
 Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
 City Clerk

APPROVED FOR FORM:

\_\_\_\_\_  
 City Attorney



**Business of the City Council  
City of Gig Harbor, WA**

**Subject:** Utility Easement – Peninsula Light Co., Century Link Inc., Comcast Cable

**Proposed Council Action:** Authorize the Mayor to execute a Utility Easement for incoming power and related appurtenances for the Welcome Plaza-Lift Station 4B site.

**Dept. Origin:** Public Works

**Prepared by:** Stephen Misiurak, P.E.   
City Engineer

**For Agenda of:** July 11, 2016

**Exhibits:** Utility Easement Agreement

Initial &  
Date

**Concurred by Mayor:**

**Approved by City Administrator:**

**Approved as to form by City Atty:**

**Approved by Finance Director:**

**Approved by Department Head:**

*JA 7-6-16*  
*fonw 7/6/16*  
Via Email 7/1/16  
N/A  
*M-5-16*

<b>Expenditure Required</b>	\$ 0	<b>Amount Budgeted</b>	\$ 0	<b>Appropriation Required</b>	\$0
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**INFORMATION/BACKGROUND**

The utility agreement between the City and Peninsula Light Company is for the new underground power line and associated power appurtenances required for the new Welcome Plaza facility. In combination with Peninsula Light Company, this easement agreement will also authorize Century Link and Comcast Cable the same easement to be utilized for their utility purposes, all more specifically described as a system of underground electric power cables, phone lines, and cable TV and appurtenances for the Welcome Plaza and Lift Station 4B site improvements.

**FISCAL CONSIDERATION**

N/A.

**BOARD OR COMMITTEE RECOMMENDATION**

N/A.

**RECOMMENDATION/MOTION**

**Move to:** Authorize the Mayor to execute a Utility Easement for incoming power and related appurtenances for the Welcome Plaza-Lift Station 4B site.

**AFTER RECORDING RETURN TO:**  
Peninsula Light Company  
PO Box 78  
Gig Harbor, WA 98335

**E A S E M E N T**

THE GRANTORS, City of Gig Harbor

For and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, do each as to property in which he has an interest hereby grant, convey and warrant to PENINSULA LIGHT COMPANY, CENTURY TEL OF WASHINGTON DBA CENTURYLINK, and COMCAST CABLE or their successors or assigns, all hereinafter jointly called the COMPANIES; a perpetual right of way and easement with the right, privilege and authority to construct, operate, and maintain a SYSTEM of underground electric power cables, phone lines, and cable TV, and appurtenances to each; over, under, through and across real property herein described and known as the EASEMENT AREA(s).

THE GRANTORS further provide that:

1. The ground grade of the EASEMENT AREA(s) shall not be altered in excess of six (6) inches from the grade established upon completion of the installation of said SYSTEM, except where permitted by the COMPANIES.
2. The EASEMENT AREA(s) may be occupied by other objects only as long as they will not interfere with or endanger any part of the SYSTEM, and/or its construction, operation or maintenance.

EASEMENT AREA(s) situated in the County of Pierce, State of Washington is described as follows: Utility easement on the West 10 feet of parcel beginning at 190.5 feet North of the Southwest property corner and paralleling Harborview Dr for 30 feet.

APN: 022108 223 2

Commencing at the Northwest corner of Section 8, Township 21 North, Range 2 East, W.M.; thence South 88 degrees 18'20" East along the Northerly line of said Section 1797.63 feet to a cased monument at the intersection of Rosedale Street NW and Harborview Dr NW; thence South 88 degrees 18'46" East 35.31 feet to the Easterly right-of-way margin of said Harborview Drive NW and the point of beginning; thence North 30 degrees 08'34" West along said Easterly margin 20.70 feet; thence North 28 degrees 30'24" West along said Easterly margin 12.52 feet; thence North 37 degrees 22'14" East along the Northerly right-of-way margin of vacated Skansi Street 176.57 feet; thence South 52 degrees 37'46" East 60.00 feet; thence South 37 degrees 22'14" West along the Southerly right-of-way margin of vacated Skansi Street 59.50 feet to the Government meander line; thence South 33 degrees 38'46" East along said meander line 108.49 feet to a stone monument at the meander corner between Sections 8 and 5; thence South 68 degrees 56'21" East along said meander line 149.27 feet; thence South 34 degrees 03'39" West 257.22 feet to said Easterly right-of-way margin; thence North 30 degrees 08'34" West along said Easterly margin 313.96 feet to the point of beginning, in Gig Harbor, Pierce County, Washington.

Together with second class tidelands, as conveyed by the State of Washington, Situate in front of, adjacent to or abutting thereon.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Jill Guernsey, Mayor

Notary Acknowledgements on the next page



Page 2 of 2  
City of Gig Harbor Easement  
APN: 022108 223 2

STATE OF \_\_\_\_\_

ss.

COUNTY OF \_\_\_\_\_

I certify that I know or have satisfactory evidence that

\_\_\_\_\_  
(is/are) the person(s) who appeared before me, and said person(s) acknowledged that \_\_\_\_\_  
signed this instrument, on oath stated that \_\_\_\_\_ authorized to  
execute the instrument and acknowledge it as the \_\_\_\_\_  
of \_\_\_\_\_ to be the free and voluntary act of such  
party(ies) for the uses and purposes mentioned in this instrument.

Dated:

\_\_\_\_\_

Notary name printed: \_\_\_\_\_

Notary Public in and for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My appointment expires: \_\_\_\_\_



## Business of the City Council City of Gig Harbor, WA

**Subject:** Public Hearing, First Reading, and Adoption of Ordinance No. 1040 – Impact Fee Deferral

**Proposed Council Action:** Adopt Ordinance No. 1040 implementing Impact Fee Deferral System on first reading with an affirmative vote of at least a majority plus one of the whole council, as authorized under GHMC 1.08.020B.

**Dept. Origin:** Public Works

**Prepared by:** Steve Misiurak, PE  
City Engineer

**For Agenda of:** July 11, 2016

**Exhibits:** Ordinance No. 1040

	Initial & Date
<b>Concurred by Mayor:</b>	JM 7-6-16
<b>Approved by City Administrator:</b>	BOW 7/5/16
<b>Approved as to form by City Atty:</b>	By email 7.5.16
<b>Approved by Finance Director:</b>	JDA 7/6/16
<b>Approved by Department Head:</b>	7.5.16

<b>Expenditure Required</b>	\$ 0	<b>Amount Budgeted</b>	\$ 0	<b>Appropriation Required</b>	\$ 0
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### INFORMATION/BACKGROUND

At the requests of numerous Master Builders Associations, the legislature passed Engrossed Senate Bill 5923, which requires that all counties, cities, and towns collecting impact fees must, by September 1, 2016, adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction. The deferral system must include a process by which an applicant may request a deferral of the full impact fee payment. The deferral system offered by a county, city, or town under this subsection (3) must include one or more of the following options:

- (A) Deferring collection of the impact fee payment until final inspection;
- (B) Deferring collection of the impact fee payment until certificate of occupancy or equivalent certification; or
- (C) Deferring collection of the impact fee payment until the time of closing of the first sale of the property occurring after the issuance of the applicable building permit.

The impact fee deferral system provides developers with a limited number of impact fee deferrals per year for single family residential development (the first 20 units developed each year). The law applies to all impact fees, which include parks, schools, and transportation.

The approval of a deferral “vests” the impact fees to the time when the deferral is granted. If impact fees are increased after the deferral is granted the previous fees will apply.

Option A has the least administrative time associated with it and is consistent with the City’s system of building inspection sign off policies and procedures.

Only a few cities within Washington State have adopted an impact fee deferral system to date. The cities of Port Orchard and Shoreline have had deferral systems in place for about a year but no developers have opted to request a deferral at this time.

The Planning Department has determined that the impact fess ordinance is exempt from SEPA per WAC 197-11-800(19) Procedural Actions.

**FISCAL CONSIDERATION**

N/A

**BOARD OR COMMITTEE RECOMMENDATION**

Staff presented this impact fee deferral ordinance at the June 13, 2016 Public Works Committee meeting along with an explanation to the group that the internal consensus between the building, planning and engineering departments was to defer the collection of the impact fee payment at the time of final inspection. There was no objection raised by the Committee members pertaining to this option nor was there any objection to adoption of this Ordinance at the first reading.

**RECOMMENDATION/MOTION**

Adopt Ordinance No. 1040 implementing Impact Fee Deferral System on first reading with an affirmative vote of at least a majority plus one of the whole council, as authorized under GHMC 1.08.020B.

CITY OF GIG HARBOR, WASHINGTON

ORDINANCE NO. 1040

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO IMPACT FEES; AMENDING CHAPTER 19.12 OF THE GIG HARBOR MUNICIPAL CODE TO INCLUDE A DEFERRAL PROGRAM FOR SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL CONSTRUCTION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

---

WHEREAS, in 2015 the Washington State Legislature adopted Engrossed Senate Bill 5923 amending RCW 82.02.050 to require counties, cities and towns collecting impact fees to adopt and maintain a deferral program for the collection of impact fees for new single family residential construction by September 1, 2016; and

WHEREAS, the Gig Harbor City Council desires to update its municipal code now for consistency with current state law and to meet the requirements under ESB 5923, to be effective September 1, 2016; and

WHEREAS, the Gig Harbor City Council finds that this ordinance is in the best interests of the citizens of the City of Gig Harbor;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. GHMC 19.12.110A - Amended. Subsection A of Section 19.12.110 of the Gig Harbor Municipal Code is hereby amended as follows:

**19.12.110 Time of payment of impact fees.**

A. Payment of any required impact fees shall be made prior to the issuance of a building permit, unless deferred in accordance with GHMC 19.12.110D.

....

Section 2. GHMC 19.12.110D - New. A new section "D", is hereby added to Section 19.12.110 of the Gig Harbor Municipal Code to read as follows:

**19.12.110 Time of payment of impact fees.**

....

D. Single-Family Residential Deferral Program. An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until final inspection or eighteen (18) months from the date of original building permit issuance, whichever occurs first. Single-Family residential is defined in GMC 17.04.300 Dwelling, single-family. Deferral of impact fees are considered under the following conditions:

- (1) An applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment until the date of final inspection or eighteen (18) months from the date of building permit issuance, whichever occurs first. Deferral of impact fees shall be granted under the conditions set forth in this Section. An applicant for deferral must request the deferral no later than the time of application for a building permit. Any request not so made shall be deemed waived.
- (2) To receive a deferral, an applicant must:
  - (a) Submit a deferred impact fee application and acknowledgement form for each single-family attached or detached residence for which the applicant wishes to defer payment of the impact fees;
  - (b) Pay any applicable administrative fee;
  - (c) Grant and record at the applicant's expense a deferred impact fee lien in a form approved by the City against the property in favor of the City in the amount of the deferred impact fee that:
    - i. includes the legal description, tax account number and address of the property;
    - ii. requires payment of the impact fees to the City prior to final inspection or 18 months from the date of original building permit issuance, whichever occurs first;
    - iii. is signed by all owners of the property, with all signatures acknowledged as required for a deed and recorded in Pierce County;
    - iv. binds all successors in title after the recordation; and
    - v. is junior and subordinate to not more than one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.
- (3) The amount of impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral.
- (4) Prior to final inspection or 18 months from the date of original building permit issuance, the applicant may pay the deferred amount in installments, with no penalty for early payment.
- (5) The City shall withhold final inspection until the impact fees have been paid in full. Upon receipt of final payment of impact fees deferred under this subsection, the City shall execute a release of deferred impact fee lien for each single-family attached or detached residence for which the impact fees have been received. The applicant, or property owner at the time of release, shall be responsible for recording the lien release at his or her expense.
- (6) The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation of the applicant or the property owner to pay the impact fees as a condition of final inspection.

- (7) If impact fees are not paid in accordance with the deferral and provisions established herein, the City may institute foreclosure proceedings in accordance with Chapter 61.12 RCW.
- (8) Each applicant for a single family attached or detached residential construction permit, in accordance with his or her contractor registration number or other unique identification number, is entitled to annually receive deferrals under this section for the first 20 single-family residential construction building permits.
- (9) The City may collect an administrative fee from the applicant seeking to defer the payment of impact fees under this section as provided in the fee resolution adopted by the Gig Harbor City Council.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force and effect on September 1, 2016, or five days after passage and publication of an approved summary consisting of the title, whichever occurs later.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this \_\_\_ day of July, 2016.

CITY OF GIG HARBOR

\_\_\_\_\_  
Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

\_\_\_\_\_  
Angela G. Summerfield

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO:



**Business of the City Council  
City of Gig Harbor, WA**

**Subject:** Naming of New City Park West of Heron's Key.

**Proposed Council Action:** Consistent with Resolution 717, direct the Parks Commission to solicit public input and provide recommendation for the name of the developer provided park directly west of Heron's Key.

**Dept. Origin:** Public Works  
**Prepared by:** Katrina Knutson, AICP  
 Parks Project Administrator  
**For Agenda of:** July 11, 2016  
**Exhibits:** Map of Park Location  
 Resolution 717

Initial & Date

**Concurred by Mayor:** [Signature] 7/6/16  
**Approved by City Administrator:** [Signature] 7/6/16  
**Approved as to form by City Atty:** via email 6/30/16  
**Approved by Finance Director:** [Signature] 7/6/16  
**Approved by Department Head:** [Signature] 7/6/16

Expenditure	Amount	Appropriation
Required 0	Budgeted 0	Required 0

**INFORMATION / BACKGROUND**

In conjunction with the Harbor Hill Developer's Agreement, a new park will be developed and deeded to the City in Gig Harbor North. The park abuts the Heron's Key development to the west and is approximately 1 acre in size. The use of the park is intended for passive use. The new park has been loosely called "Gateway Park" in promotional materials and permits submitted by the developer. The City has a Park Naming Policy (R-717) and therefore a formal name needs to be decided on for the park.

**FISCAL CONSIDERATION**

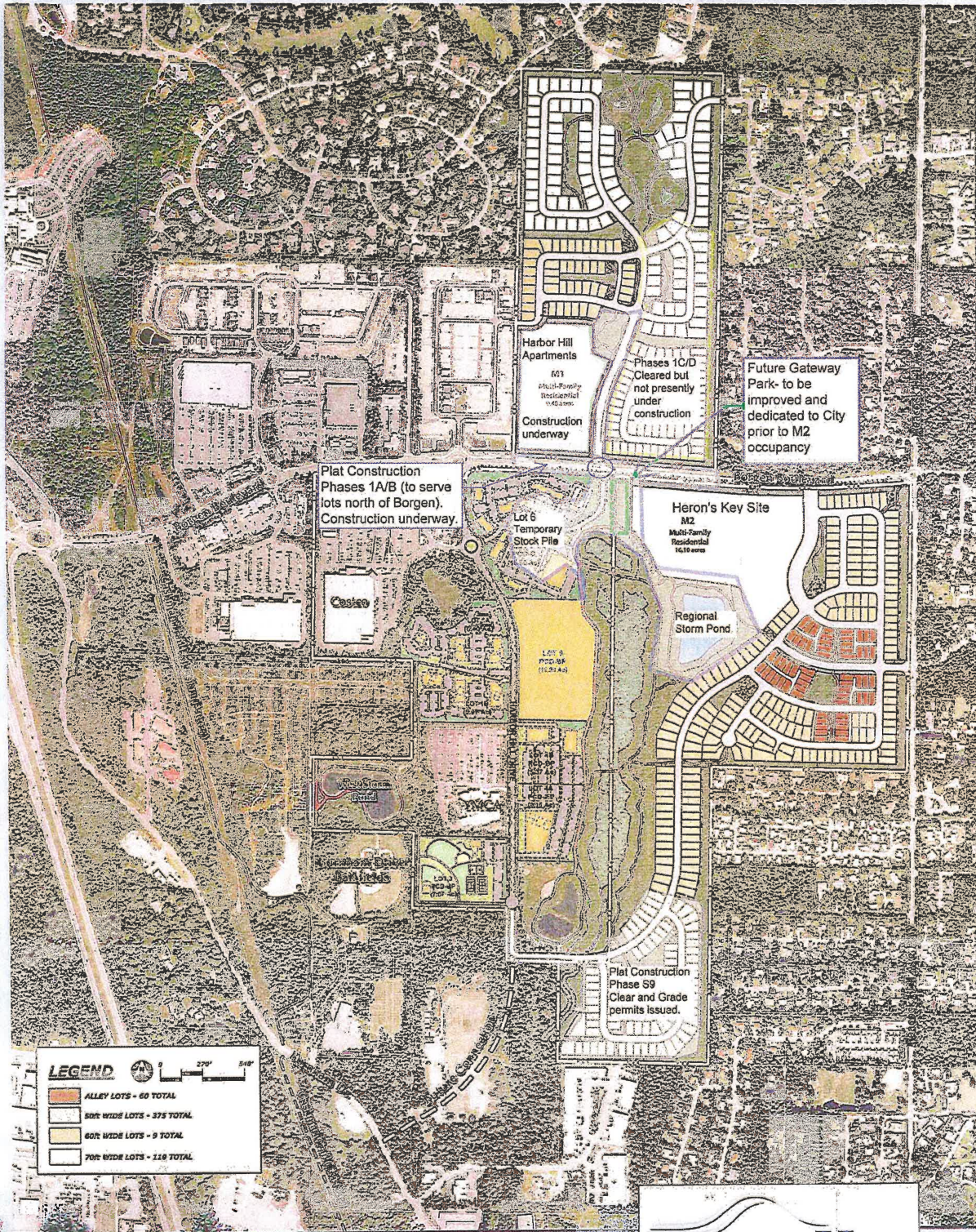
There are no acquisition or development costs to the City. The new park will be developed with private money as outlined in the Harbor Hill Developer's Agreement. Once the park is constructed, it will be deeded to the City, and will require regular maintenance.

**BOARD OR COMMISSION RECOMMENDATION**

None

**RECOMMENDATION / MOTION**

Direct the Parks Commission to solicit public input and provide recommendation for the name of the developer provided park directly west of Heron's Key.



**HARBOR HILL**  
Master Planned Community in Gig Harbor by  
[www.harbor-hill.com](http://www.harbor-hill.com)  
October 12, 2012

Modified By Gig Harbor Planning Staff  
6/7/13 to provide information on status of  
work in the field in the vicinity of Heron's  
Key Site. All locations are approximate.

**Simple Property Group**  
A Page Innovator Company

**TRIAD**  
ARCHITECTS

**PYRAMID**  
ENGINEERING  
LLC



**RESOLUTION NO. 717**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PARKS AND PUBLIC FACILITIES AND CREATING A POLICY AND PROCEDURE FOR NAMING/RENAMING CITY PARKS AND FACILITIES.**

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**WHEREAS**, the City Council may have occasion to name or rename City parks and other facilities; and,

**WHEREAS**, it is appropriate to establish criteria and procedures for the official naming/renaming of City parks and other facilities; Now, therefore

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON HEREBY RESOLVES AS FOLLOWS:**

**Section 1.**

A. The naming/renaming of City parks and other City facilities shall be in accordance with the procedures and criteria set forth below. Once adopted, name changes should occur on an exceptional basis only.

B. The following criteria shall be considered:

1. Neighborhood or geographical identification;
2. Natural or geological features;
3. Historical or cultural significance;
4. The articulated preference of residents of the neighborhood surrounding the public facility.
5. Facilities may be named for living persons provided they have made a significant contribution of land or money and the donor stipulates naming of the facility as a condition of the donation or when the individual has made an unusually outstanding public service contribution.

C. The following procedures shall be followed for naming/renaming of City parks and other City facilities (see subsection E below for the procedures to name a park less than two acres in a preliminary plat):

1. If the City Council determines that a City park or other City facility should be named or renamed, the City shall solicit suggestions for names. All suggestions, whether solicited or independently offered, shall be acknowledged and recorded by the City. The City Council may authorize the Park Commission to take public input and make a recommendation. For a park or other City facility in the city's Historic District, the city shall solicit names from the Gig Harbor Peninsula Historical Society. Any recommendations to Council should be ranked by order of preference.

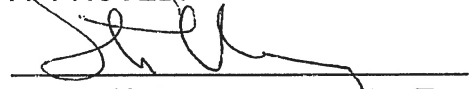
2. Following a review of recommendations, suggestions, and public comments, the City Council shall determine the name for City parks and other City facilities.

D. The provisions of this procedure shall not apply to the application of donor recognition for such minor items as benches, trees, refuse cans, flagpoles, water fountains, or similar items.


E. Pursuant to RCW 58.17.110(3), if a preliminary plat includes a dedication of a park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the City must adopt the designated name.

RESOLVED by the City Council this 11<sup>th</sup> day of June, 2007.

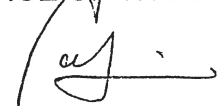
APPROVED:

  
\_\_\_\_\_  
Steven K. Ekberg, Mayor Pro Tem

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

By:   
\_\_\_\_\_

Files with the City Clerk: 06/6/07  
Passed by the City Council: 06/11/07  
Resolution No.: 717



## Business of the City Council City of Gig Harbor, WA

**Subject:** Welcome Plaza/Lift Station No. 4B Improvements Project – Public Works Construction Contract

**Dept. Origin:** Public Works

**Proposed Council Action:**

1. Approve and authorize the Mayor to award and execute a Public Works Contract with Stellar J Corporation, in the amount of \$5,589,724.70 for Welcome Plaza / Lift Station No. 4B Improvements and;
2. Authorize the City Engineer to approve additional expenditures up to \$150,000.00 to cover any cost increases that may result from contract change orders.

**Prepared by:** Stephen Misiurak, P.E.  
City Engineer

**For Agenda of:** July 11, 2016

**Exhibits:** Public Works Contract

**Concurred by Mayor:**

**Approved by City Administrator:**

**Approved as to form by City Atty:**

**Approved by Finance Director:**

**Approved by Department Head:**

Initial &  
Date

*Handwritten signatures and dates:*  
 [Signature] 7-6-16  
 [Signature] 7/6/16  
 via email 7/6/16  
 [Signature] 7/6/16  
 [Signature] 7/6/16

<b>Expenditure Required</b>	\$ 5,739,725.	<b>Amount Budgeted</b>	* See fiscal consideration below	<b>Appropriation Required</b>	\$ 0
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### INFORMATION/BACKGROUND

This proposed public works contract provides for the construction of a new Welcome Plaza and replacement of Lift Station No. 4A.

The City's 2009 Wastewater Comprehensive Plan summarized the operational and capacity deficiencies pertaining to Lift Station No. 4A. and the criticality for replacement of this facility in a timely manner. The need for replacement of this critical City facility was only heightened by a catastrophic underground electrical fire that occurred at the station in December 2010, causing significant damage to the control equipment and as a result of this fire the discharge of raw sewage into Gig Harbor Bay.

Additionally, the current restrooms at Jerisich Dock have been flooded by sea water during extreme high tides, which is also connected to this lift station. This inundation results in the discharge of a significant and damaging volume of salt water through the wastewater collection system and to the wastewater treatment plant.

In early 2011, the City's consultant completed an approximate 30 percent design for the replacement station and staff provided a mock-up of the layout of the limits of the above ground facility. In response to Council concerns raised about the park view impacts that would be created by this building, Council requested that staff consider alternative locations in and around Skansie Park. Furthermore, at the June 23, 2014 workstudy session, Council directed staff to perform a value engineering study in which to have an independent consultant consider both the aesthetics as well as the design elements components of this station. The value engineering study concluded

with the recommendation of minor design improvements as well as the location of this facility adjacent to the existing restroom facility at Jerisich Dock. Due to safety concerns and higher than customary maintenance expenses of underground control rooms, the value engineering study also recommended that the control room should be placed above grade. And because of the negative impacts to the wastewater system during inundation of the restrooms at extreme high tides, the restrooms should be reconstructed above the extreme high water elevations, both now and in the future due to sea level rise. At the June 2014 workstudy session, City Council directed staff to move forward with the mechanical engineering portion and begin the open house public process.

Subsequently, the Council desired to mitigate the impacts of the proposed large, above-ground enclosed facility in the Park by directing staff to include a "Welcome Plaza" concept that would include amenities of new view platform and restrooms, complete with shower and laundry facilities.

To assist the City with the concept of this mitigation, the City hosted an architectural design charrette in October 2014. At the design charrette the City received pro-bono assistance from local architects for the design of the welcome center with incorporation of some local character attributes. The architects enhanced the project mitigation through the addition of a viewing platform located above the Welcome Plaza. All of these concepts were presented to the general public for their consideration and input at an open house in January 2015.

On February 9, 2015, staff presented the "North Location" (located within the Jerisich Dock Restroom area), and City Council directed staff by a majority vote to take the necessary steps to complete the final design and permitting of this combination Welcome Plaza and future LS#4B site improvements.

On August 15, 2015, City Council reviewed and unanimously approved the 30% design, followed by the review of the 60% design on November 23, 2015 and review of the 90% design on March 14, 2016. On March 14, 2016, City Council approved a contract amendment with the City's design consultant for the final design, permitting, and preparation of final technical bid documents.

**BID RESULTS**

The Welcome Plaza / Lift Station No. 4B Improvements Project was bid using the City's Public Works bidding process. The Engineer's Opinion of Probable Cost for the Base Bid was \$5,515,998.68. A total of six (6) bid proposals were received by the City on June 29, 2016. Bid results from each bidder are summarized below showing a total bid amount for the recommended award of the Base Bid Schedule.

BIDDER	TOTAL BID AMOUNT
1. Stellar J Corporation	\$5,589,724.70
2. Prospect Construction, Inc.	\$ 5,601,846.32
3. Pacific Crest Construction, Inc.	\$ 5,788,475.00
4. Quigg Bros., Inc.	\$ 5,885,040.00
5. Ceccanti, Inc.	\$ 5,933,865.00
6. McClure and Sons, Inc.	\$ 6,113,797.00

**FISCAL CONSIDERATION**

The City recently completed a utility rate study and general facilities charges analysis which took into consideration the replacement costs of Lift Station No. 4A. This information was presented to the Public Works Committee at three separate meetings and at a public open house in May 2015. On July 13, 2015, City Council approved an ordinance to increase utility rates and general facilities charges, which will provide construction funding through the City issuance of additional municipal

debt funding. Staff, after the bid opening, re-contacted the City's rate analyst, Peninsula Consulting Group (PCG), to confirm the financial impacts if any of these increased bid and resulting project costs on the waste water utility as well as the general public rate payers. PCG empirically inserted the increased project budget costs and determined that there was not a negative impact on the utility or the rate payers and that sufficient funds will be available to fund this project. The current budget summary for this project is provided in the table below.

<b>Welcome Plaza and LS#4B Project Budget (Wastewater Capital Fund)</b>	
Existing Budgeted Funds	\$ 2,510,000.00
Estimated Utility Bond Funds	\$ 4,941,552.81
<b>Project Expenses:</b>	
Design and Permitting	(\$ 911,828.11)
Construction Bid – Stellar J Corp.	(\$ 5,589,724.70)
Change Order Authority for Public Works Contract	(\$ 150,000.00)
<i>Construction Support Services (anticipated contract)</i>	<i>(\$ 800,000.00)</i>
<b>Remaining Project Budget =</b>	<b>\$ 0.00</b>

**BOARD OR COMMITTEE RECOMMENDATION**

The Public Works Committee reviewed the value engineering study and results from the architectural design charrette at their January 2015 meeting, prior to the public open house. Additionally, as summarized in the background narrative, staff has conducted numerous project public outreaches and kept Council apprised of the project design and architectural features and amenities as they have developed throughout all phases of this highly complex project.

**RECOMMENDATION/MOTION**

Approve and authorize the Mayor to:

1. Award and execute a Public Works Contract with Stellar J Corporation, in the amount of \$5,589,724.70 for Welcome Plaza / Lift Station No. 4B Improvements and;
2. Approve additional expenditures up to \$150,000.00 to cover any cost increases that may result from contract change orders.

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**CITY OF GIG HARBOR  
WELCOME PLAZA / LIFT STATION 4B IMPROVEMENTS PROJECT  
CSSP-1304**

THIS AGREEMENT, made and entered into, this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between the City of Gig Harbor, a Non-Charter Code city in the State of Washington, hereinafter called the "City", and Stellar J Corporation, hereinafter called the "Contractor."

**WITNESSETH:**

That in consideration of the terms and conditions contained herein and attached and made a part of this Contract, the parties hereto covenant and agree as follows:

1. The Contractor shall do all of the work and furnish all of the labor, materials, tools, and equipment necessary for the construction of the **Welcome Plaza / Lift Station 4B Improvements Project**, all in accordance with the Technical Specifications, Conditions of the Construction Contract and Supplementary Conditions of the Contract, and shall perform any changes in the Work, all in full compliance with the Project Manual entitled "**Welcome Plaza / Lift Station 4B Improvements Project Manual, CSSP-1304**," which are by this reference incorporated herein and made a part hereof; and agrees to accept payment for the same in accordance with the said Project Manual, including the schedule of prices in the "Proposal," the sum Five Million Five Hundred Eighty-nine Thousand Seven Hundred Twenty-four Dollars and Seventy Cents (\$5,589,724.70) including state sales tax, subject to the provisions of the Project Manual.
2. Work shall commence and contract time shall begin as stated in Section SC-2.04 of the Supplementary Conditions. All Contract Work shall be physically complete as stated in Section 01 12 16.
3. The Contractor agrees to pay the City Liquidated Damages for each and every working day all Work remains uncompleted after expiration of the specified time, as stated in Section 01 12 16.
4. The Contractor shall provide for and bear the expense of all labor, materials, tools and equipment of any sort whatsoever that may be required for the full performance of the Work provided for in this Contract upon the part of the Contractor.
5. The term "Project Manual" shall mean and refer to the following: "Invitation to Bidders," "Bid Form," "Addenda" if any, "Specifications," "Plans," "Contract," "Performance Bond," "Payment Bond," "Notice to Proceed," "Change Orders" if any, and any documents referenced or incorporated into the Project Manual, including, but not limited to the Standard General Conditions, the Supplementary Conditions and the Technical Specifications.
6. The City agrees to pay the Contractor for materials furnished and Work performed in the manner and at such times as set forth in the Project Manual.

7. The Contractor for himself/herself, and for his/her heirs, executors, administrators, successors, assigns, agents, subcontractors, and employees, does hereby agree to the full performance of all of the covenants herein contained upon the part of the Contractor.
8. It is further provided that no liability shall attach to the City by reason of entering into this Contract, except as expressly provided herein.

IN WITNESS WHEREOF the parties hereto have caused this Contract to be executed the day and year first hereinabove written:

CITY OF GIG HARBOR:

CONTRACTOR:

\_\_\_\_\_  
Jill Guernsey, Mayor  
City of Gig Harbor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED FOR FORM:

\_\_\_\_\_  
City Attorney

**\*\*\* END OF SECTION \*\*\***

TO: Mayor Guernsey  
FROM: Pam Peterson and Lee Smith  
SUBJECT: Copy ANCICH PARK Memp  
DATE: July 10, 2016

The following memo was sent to the members of City Council:

We really need you to stand up and do what is right for the right reason and for the majority of our citizens.

Ancich Park is the right location to allow human powered craft to have some space. Once and for all we are a Maritime City, the sea influences us. We are no longer just a fishing village we are a boating dream. We have more people using human powered crafts daily than ever before.

We watch people out in the Harbor enjoying themselves. I want us to be known as a friendly welcoming city. We believe in creating an opportunity to share the benefits of Gig Harbor. Ancich Park can give these folks a better and easier access to the water and views.

Once again, we take the Visioning process that has been put into the comp plan very serious. This park meets many of the goals you set forth in "The Harbor"; a place to walk, sit, view, and boater friendly.

Any motion to determine the size of what is to be placed at Ancich Park we know is premature. We have a system that really brings out thoughtful and carefully constructed recommendations. Let the designers, engineers, architects, DRB and hearing examiner do their part. They will bring together the correct size of a structure and identify how and what is the best use. They will spend hours of their time to bring you a valid, well-researched project.

Thank you,

Pam Peterson and Lee Smith  
Ancich Park Neighbors



July 11, 2016 – Ancich Park

To the Mayor and City Council

Ancich Park is in a truly historic neighborhood. Generations of Gig Harbor families have been living here for over a hundred years paying taxes.

When the property was purchased, with tax payer's money, the intent was to provide and maintain the view opportunity for citizens and visitors.

The Kayak & Canoe Club is interested in using this park for their program. They would like a building built by the city to their specifications to store the boats and equipment.

If this plan is implemented there would be a large impact on traffic and parking.

We are against this proposal.

Thank you for your consideration of this matter.

  
Charles L. Hunter, Former Mayor of Gig Harbor

PO Box 410

Gig Harbor, WA 98335