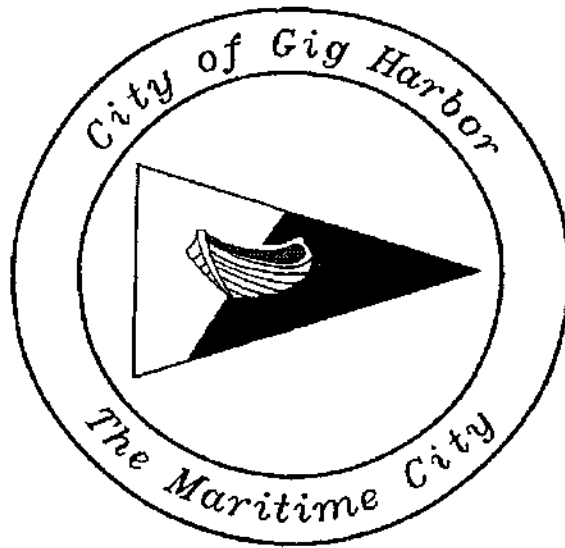


Gig Harbor City Council Meeting



August 10, 1998

7:00 P.M., CITY HALL COUNCIL CHAMBERS

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
August 10, 1998 - 7:00 p.m.

CALL TO ORDER:

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

APPROVAL OF MINUTES: Minutes of 7/27/98 and Special Meeting of 8/3/98

CORRESPONDENCE / PROCLAMATIONS:

1. The Gig Harbor Waterfront Retail & Restaurant Association.
2. Reappointment of Bruce Gair to the Planning Commission.

OLD BUSINESS:

1. Second Reading of Ordinance – Consent Agenda.
2. Second Reading of Ordinance – Wilkinson Property.
3. Second Reading of Ordinance – Amending GHMC Criminal Code Section.

NEW BUSINESS:

1. Agreement – Lions Club.
2. City Hall Painting – Contract Award.
3. Purchase Authorization – Handheld Meter Reading Devices.
4. Liquor License Renewals – Baskets to Go; Bartell Drug; The Gig Harbor Yacht Club.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS:

STAFF REPORTS:

Chief Mitch Barker, GHPD – July Statistics.

ADJOURN:

DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JULY 27, 1998

PRESENT: Councilmembers Ekberg, Young, Owel, Dick, Picinich, and Mayor Wilbert.
Councilmembers Platt and Markovich were absent.

CALL TO ORDER: 7:05 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of July 13, 1998 meeting as presented.
Picinich/Owel – unanimously approved.

CORRESPONDENCE/PROCLAMATIONS: Mayor Wilbert gave a brief overview of several pieces of correspondence she had received.

OLD BUSINESS:

1. **Second Reading of Ordinance – Indemnification.** Carol Morris, Legal Counsel, explained that the correction had been made to the language requested at the last meeting and recommended approval of the ordinance.

MOTION: Move to adopt Ordinance No. 798.
Picinich/Owel – unanimously approved.

2. **Settlement Agreement – Canterwood.** Mark Hoppen, City Administrator, explained that this agreement was a result of the claim against the city arising from the emergency sewer moratorium imposed last year. He added that the settlement also served to clarify the business relationship between the city and Canterwood for future sewer applications.

MOTION: Move to authorize the Mayor to sign the Settlement Agreement.
Dick/Ekberg – unanimously approved.

MOTION: Move to authorize the Mayor to sign the Amendment to Utility Extension Capacity Agreement.
Picinich/Owel – unanimously approved.

MOTION: Move to authorize the Mayor to sign the Amendment to Amendment to Utility Extension and Capacity Agreement.
Picinich/Owel – unanimously approved.

NEW BUSINESS:

1. Payroll System Upgrade. Dave Rodenbach, Finance Director, explained that Council had approved upgrade of the payroll processing software, and that EDEN Systems Inc. produces the only payroll software application compatible with the city's current accounting system. Councilmember Dick asked about the possibility of banding together with other cities for joint purchasing to obtain lower pricing. Dave explained that because cities are at different levels of software, it may be difficult, but that he would attempt to find out if it would be a possibility. He answered other questions regarding the system and recommended approval of the resolution declaring sole source and to approve the Software License and Agreement.

MOTION: Move to approve Resolution No. 523.
Owel/Young – unanimously approved.

MOTION: Move to authorize the Mayor to sign the Software License and Use Agreement with Eden Systems.
Owel/Young – unanimously approved.

2. First Reading of Ordinance – Consent Agenda. Mark Hoppen introduced this ordinance to adopt a consent agenda to handle routine items which are not controversial in nature and do not need further discussion. He explained what items would be included on the consent agenda and added that the information would still be included in the packet, and that any council member could remove an item from the consent agenda and place it on the regular agenda at the beginning of the meeting. This will return for a second reading.
3. First Reading of Ordinance – Amending GHMC Criminal Code Section. Mitch Barker, Chief of Police, explained that over the years, the criminal code section of the Municipal Code had become outdated. He added that changes have been made when immediate needs have been identified, but a complete review and update of the criminal section of the code was needed to bring it current and to adopt sections of the State RCWs. Councilmember Dick asked for a copy of the ordinance that would show where items had been added and deleted to the section. This will return for a second reading at the next meeting.
4. EIS for Comp Plan Update – Consultant Services Agreement, Beckwith & Associates. Ray Gilmore, Planning Director, presented this agreement to prepare the draft and final environmental impact statement for the Comprehensive Plan update. He said that he did not anticipate an update to the comp plans again for another five to seven year period. He added that the impact statement was a very important element of the comp plan update and that it had been budgeted for. Councilmember Dick asked about the possibility of updating the comp plans in-house in the future as opposed to contracting with outside consulting firms. He voiced concerns that the comp plans direct the future of the city and these were being developed by outside consultants. Mark Hoppen explained that the consultants develop the comp plans for the city by gathering information from the public

as well as assessing change and technical conditions. He added that the consultants possess the expertise to develop these plans, as well as computer models that are costly. He offered to do a cost benefit analysis to determine the consequences of preparing these updates in-house.

MOTION: Move to authorize the Mayor to execute a contract with Beckwith Consulting to prepare draft and final environmental impact statements for the comprehensive plan update, in an amount not to exceed \$19,215.00.
Ekberg/Young – unanimously approved.

5. TIB Grant Agreement – 38th Avenue Sidewalk Improvements (Phase II). Wes Hill, Public Works Director, presented this grant approval for design and construction of a sidewalk on the east side of 38th Avenue from 56th Street to 47th Street Court. Mayor Wilbert and Councilmembers thanked Wes for his hard work in obtaining these grant funds to complete the sidewalk project.

MOTION: Move to authorize the execution of the Project Agreement for Design and Construction Project with the Transportation Improvement Board for the 38th Avenue Phase II sidewalk improvement project.
Young/Owel – unanimously approved.

6. Comprehensive Plan Update – Water. Wes Hill addressed all three comprehensive plan updates for water, sewer, and stormwater. He explained that all three updates had been budgeted in the 1998 year, and gave an overview of the amounts of the contracts and recommended approval.

MOTION: Move to approve execution of the Consultant Services Contract with Gray & Osborne, Inc., in an amount not to exceed thirty-two thousand, nine-hundred two dollars and forty cents (\$32,902.40).
Young/Ekberg – unanimously approved.

7. Comprehensive Plan Update – Sewer. This issue was discussed in the previous agenda item.

MOTION: Move to approve execution of the Consultant Services Contract with Gray & Osborne, Inc., in an amount not to exceed forty-two thousand two-hundred thirty-two dollars (\$42,232.00).
Young/Ekberg – unanimously approved.

8. Comprehensive Plan Update – Stormwater. This issue was discussed in the previous agenda item.

MOTION: Move to approve execution of the Consultant Services Contract with Gray & Osborne, Inc., in an amount not to exceed forty-five thousand dollars (\$45,000.00).
Young/Ekberg – four Councilmembers voted in favor. Councilmember Dick voted against.

9. Wilkinson Property Acquisition. Mark Hoppen explained that the Wilkinson property fits broadly into the city's Parks Comprehensive Plan. He gave an overview of the potential of the property to tie into the trail that will run from the Narrow Bridge to Purdy, and explained that the property has an historical element. He described some of the amenities that could be developed on the property as a park and open area. He explained that the attached ordinance outlined the condemnation action, in which the city would pay the property owner fair market value. This will return at the next meeting for a second reading.
10. Liquor License Application – Harbor Rock Café. No action taken.

PUBLIC COMMENT: None.

COUNCIL COMMENTS:

Councilmember Ekberg said that he had been approached by a Councilmember from the City of Lakewood relative to the effort to annex Ft. Lewis and McChord populations. He explained that this was an effort to gain additional revenues to handle the problem areas around the bases, and within the City of Lakewood, that are draining resources. He added that there is information on both sides of the issue and that because the City of Gig Harbor had been approached by the City of Lakewood for assistance, information should be gathered, reviewed, and action should be taken to either support or not support their action.

Mayor Wilbert explained that this issue was discussed at the Pierce County Regional Council last week and said that she would support the effort if Lakewood could guarantee that the funds obtained through the annexation of population would be utilized to mitigate the crime and problems in those areas.

Councilmember Young voiced his concerns and asked that a resolution be presented at a meeting in the near future for consideration.

Mark Hoppen gave an overview of Lakewood's attempt to include the area in question as urban or to be included in their UGA for annexation purposed. He said that the Federal Government was supportive of these efforts to annex these urban areas, as long as the process is not disputed.

Councilmember Owel talked about the efforts of the two army bases to upgrade their facilities and asked what position they had taken. Mark asked Bob Dick to speak to this privatization issue.

Councilmember Dick voiced several concerns and said that Lakewood should be allowed impact fees from the federal government, but changing UGAs and annexing were inappropriate.

Mayor Wilbert announced that there would be a meeting at the City of Lakewood City Hall on August 5, 6:00 p.m. to further discuss this issue. Mark Hoppen said he would attend this meeting and contact other surrounding cities to prepare a packet of information for Council's review.

STAFF REPORT:

1. Wes Hill, Public Works Director – Esteb Sewer Connection. Mr. Hill explained that at the last council meeting, Michael Esteb had spoken of his efforts to obtain sewer connection for his new residence on Franklin Avenue, and that Council had requested that Wes come back with the details involved with the connection. Wes explained that he had met with Mr. Esteb twice since the council meeting to explain the options available. He then gave an overview of the process to date and what options that Mr. Esteb could utilize.
2. Dave Rodenbach, Finance Director – Quarterly Report. Mr. Rodenbach explained that General Fund revenues are at 61% mostly due to permits; tax receipts are slightly ahead of pace; and sales tax are on target. He added that water and sewer revenues are slightly behind the 50% expected, and that all departments are at 50% pace of expenditures except parks, due to the dock project. Cash reserves look adequate in all funds.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Special City Council Meeting – August 3, 1998, 7:00 p.m. at City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #20595 through # 20675 in the amount of \$88,542.74.
Young/Ekberg - unanimously approved.

EXECUTIVE SESSION: None required.

ADJOURN:

MOTION: Move to adjourn at 8:25 p.m.
Owel/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 501 Side B 000 – end.

Tape 502 Side A 000 – end.
Tape 502 Side B 000 – 271.

Mayor

City Clerk

DRAFT

SPECIAL GIG HARBOR CITY COUNCIL MEETING OF AUGUST 3, 1998

PRESENT: Councilmembers Ekberg, Young, Platt, Dick, Picinich, and Mayor Wilbert. Councilmembers Owel and Markovich were absent.

The Mayor asked the audience to stand and recite the Pledge of Allegiance.

CALL TO ORDER: 7:04 p.m.

NEW BUSINESS:

1. **Rosedale Street Improvement Project -- Bid Award.** Wes Hill, Public Works Director, explained that all four bids received for the Rosedale Street Improvement Project exceeded the engineer's estimate and the amount budgeted for the project. He said that he reviewed the bids with the Department of Transportation TransAid representative, and with other agencies, and they concurred that the engineer's estimate closely reflects the amount anticipated for a project with these specifications. He explained that the bids were high due to the time of year and because the contractors had other projects to bid on and complete. He recommended rejecting all four bids for the project and to repackage the project into two phases. The first phase would provide for construction of all underground utilities and could be completed this year. The second phase to complete the storm drainage and completion of the project could be put to bid early next year for completion in the spring. He stated that the bid price may be more favorable during the early part of the year. He added that the ISTEA federal funding for a portion of the project would still be available next year.

Councilmember Picinich said that he would prefer to begin the first phase of the project immediately because people had been preparing for construction. Councilmember Dick voiced concerns with the separate trenching phases. Wes explained the two projects and the need to do the stormdrain trenching with the second phase of the project.

Councilmember Ekberg suggested on waiting until the first of the year to complete the project in one phase as originally planned, rather than disrupting traffic twice. After discussion the following motion was made.

MOTION: Move we reject all bids with the understanding that the project be separated into two packages.
Picinich/Dick -

Councilmember Platt agreed that two periods of traffic disruption wasn't in the best interest of the citizens. He added that it would be better to put the construction off until the first of the year rather than to pay for the extra patching and other costs that may

come with the two-phase construction. Councilmember Young agreed and added that the project, rather than costing more, could cost less. He suggested performing the construction as one project.

AMENDED MOTION: Move to remove the language in the last motion separating the project into two packages.
Young/Ekberg – four in favor. Councilmember Picinich voted against.

RESTATED MOTION: Move to reject all bids.
Picinich/Dick – unanimously approved.

PUBLIC COMMENT: None.

ADJOURN:

MOTION: Move to adjourn at 7:35 p.m.
Platt/Young - unanimously approved.

Cassette recorder utilized.
Tape 502 Side B – 272 - end.
Tape 503 Side A – 000 –

273.

Mayor

City Clerk



RECEIVED

AUG - 5 1998

CITY OF GIG HARBOR

The Gig Harbor
**WATER
FRONT**

July 14, 1998

To The Honorable Mayor
and The Honorable
Gig Harbor City Council:

Our letter of December 12, 1997 among other things, spoke of working together to improve the spirit of Community ...and what better event to showcase this Unity in The Community than the recent Maritime Gig, so ably co-Chaired by Councilman Picinich and the Executive Director of the Chamber of Commerce, Marie Sullivan. A Well Done to both!

Our promotion of other Holiday events in addition to the Gig, was high-lighted by a new approach to the Halloween Holiday by downtown merchants...and perhaps the best Christmas tree lighting ceremony seen in the last decade. This event had many players who added much to this difficult to improve on scenario of the most joyous period of the year. Indeed the fortunate timely arrival of the wonderful music of the Christmas ships added frosting to this cake.

Yet we continue to be concerned that our request for a parking area to be pursued by the City has apparently become lost in the maze of other efforts, as has the program to commence improved beautification to our Downtown Core...specifically the Old Ferry Landing, and the intersection of Harborview and Pioneer. Public restrooms and retail space availability we assume are being solved as new commercial structures are reviewed. Borgen's Corner appears up to the standards that George would approve.

We are still concerned about the Office over population, and the rezoning trends that support this unwanted growth. More and more residential and retail opportunity is being lost to Office Parks. Soon the Large Offices and associated parking lots will overshadow our Waterfront. We are aware of the master plan and its program of "Mixed Use", but the mixture shift is becoming worrisome.

Additionally as significant supporters of our lodging facilities, we re-emphasize our request of sometime ago to be included in the equitable distribution of funds for the promotion of the Waterfront District.

We again invite you to attend a periodic meeting of our organization presently at The Harbor Inn Restaurant that is normally scheduled on the 1st and 3rd Fridays of the month at 8:30 AM, to discuss these and other relevant issues.

We would also invite other key members of City Government, such as Department Heads and the Planning Commission and Design Review Chairmen to attend these meetings.

We look forward to seeing you soon.

Sincerely,

City Liaison Committee



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

August 6, 1998

Mr. Bruce Gair
5001 38th Ave NW
Gig Harbor, WA 98335

Dear Bruce:

Thank you for accepting the opportunity to continue to serve another term on the Gig Harbor Planning Commission. Your term runs from July 1, 1998 through June 30, 2004.

Your appointment will be confirmed at the August 10, 1998 City Council meeting. Thank you again for volunteering your time and expertise in serving your community.

Sincerely,

Gretchen A. Wilbert
Mayor, City of Gig Harbor



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: CONSENT AGENDA
DATE: AUGUST 3, 1998

INFORMATION/BACKGROUND

At the recent parliamentary workshop, attended by members of the Design Review Committee, the Planning Commission, the City Council, as well as the Mayor and staff, one idea emerged that the Mayor is submitting to the Council. The Mayor suggests that we implement a Consent Agenda in order to facilitate efficient use of Council time at meetings.

POLICY CONSIDERATIONS

Staff research indicates that a consent agenda contains routine items which are not controversial in nature and which do not need further discussion. Such items have been reviewed by management and have been determined to be non-controversial and routine, such that no discussion is necessary due to their very nature. The typical consent agenda would include: approval of payroll warrants and payment vouchers, approval of minutes, setting public hearings, approval of budgeted contracts, award of budgeted bids, confirmation of previously discussed issues, and liquor license approvals.

Items on the consent agenda would be grouped together on the printed agenda. Each consent agenda would include an explanatory note to the public that consent agenda items are considered routine and may be adopted by one motion.

Any Council member can pull an item off the consent agenda for discussion if so requested at a Council Meeting.

(If the July 13 Council Meeting had been restructured with a consent agenda, then it would have looked like the attached sample agenda.)

RECOMMENDATION

This is the second reading of this ordinance. Staff recommends that Council approve the attached ordinance at the second reading with such amendments, if any, as Council deems appropriate.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, TO EXPEDITE THE PUBLIC BUSINESS
AND TO PROVIDE FOR THE USE BY THE CITY COUNCIL
OF A CONSENT AGENDA AND AMENDING SECTION
2.04.030 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, many items of business required action by the Governing Body of this City, but are themselves of a routine and noncontroversial nature; and

WHEREAS, it is desirable to expedite the public business and provide additional time for deliberation by the Council on matters requiring such deliberation; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Section 2.04.030 of the Gig Harbor Municipal Code shall be amended to read as follows:

2.04.030 Council meeting agendas.

A. Preparation of Agenda. The regular and official city council meeting ...

B. Consent Agenda.

1. Each agenda shall include a 'Consent Agenda' in the order of business. When the City Administrator and Mayor determine that any item of business requires action by the Council but is of a routine and noncontroversial nature, they may cause such item to be presented at a regular meeting of the council as part of a 'Consent Agenda.'

2. The reference material for all matters listed within the consent agenda shall be distributed to each member of the City Council for their review prior to the meeting. Matters on such Consent Agenda shall be considered to be routine and may be enacted by a single motion of the Council with

no separate discussion unless removed from the consent agenda as hereinafter provided.

3. If separate discussion of any consent agenda item is desired, that item may be removed from the Consent Agenda at the request of any individual Council member. At the conclusion of passage of the Consent Agenda, those items removed at the request of any individual Council member shall either be discussed and acted upon before proceeding to the next item of business on the agenda or shall be set to a later position on the agenda for that meeting.

4. Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or 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 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 7/22/98

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. _____

**SUMMARY OF ORDINANCE NO. _____
of the City of Gig Harbor, Washington**

On _____, 1998, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, TO EXPEDITE THE PUBLIC BUSINESS
AND TO PROVIDE FOR THE USE BY THE CITY COUNCIL
OF A CONSENT AGENDA AND AMENDING SECTION
2.04.030 OF THE GIG HARBOR MUNICIPAL CODE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of _____, 1998.

BY: _____
Molly M. Towslee, City Clerk

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
July 13, 1998 - 7:00 p.m.

CALL TO ORDER:

PUBLIC HEARING: Planning Commission Recommendation – Preannexation Zoning for the Purdy Area.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Municipal Code _____.

1. Approval of the Minutes of the June 22, 1998 City Council meeting.
2. Correspondence / Proclamations - Informational.
None scheduled for this meeting.
3. Approval of Consultant Service Agreements:
Transportation Plan Update
Park, Recreation and Open Space Plan Update
4. Approval of Purchase Authorizations:
Hill Street Water Main Replacement.
North Harborview Drive Street Lights
5. Approval of Maintenance Agreements Renewal – Minolta Copier Machine
6. Approval of Liquor License Applications:
Flowers on the Bay
Satish Changela (AM-PM Minimart)
7. Approval of Liquor License Renewals:
Emerald Star Restaurant
Hunan Garden Restaurant
Kinza Teriyaki
Shorline Steak & Seafood Grill
Spiro's Bella Notte' Pizza & Pasta
The Keeping Room, Candles & Wine Etc.
8. Approval of Special Occasion Liquor License:
Peninsula High School Booster Club
9. Announcements of Other Meetings:
Special City Council Meeting – August 3, 1998, 7:00 p.m. at City Hall.
10. Approval of Payment of Bills and Payroll:
Checks # 20473 - 20594 in the amount of \$112,627.15.
June Payroll - #15921 – 16074 in the amount of \$266,895.39.

OLD BUSINESS:

1. Planning Commission Recommendation – Preannexation Zoning for the Purdy Area – Second Reading of Ordinance.
2. Request for Consideration to Annex to the City – Fairway Estates.
3. Second Reading of Ordinance – Eliminating a Reference to the Process for Appeals of the CUP Process.
4. Second Reading of Ordinance – Establishment of Speed Limits.
5. East-West Roadway Construction Project Release and Covenant Not to Sue.

NEW BUSINESS:

1. DUI Task Force Interlocal Agreement.
2. Cash Receipting Software Purchase.
3. First Reading of Ordinance – Indemnification.
4. Purchase Authorization – Harborview Drive Water Main Replacement.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS:

STAFF REPORTS:

Mitch Barker, GHPD June Stats.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110, (b) and litigation, and potential litigation, per RCW 42.30.110 (i).

ADJOURN:



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: WILKINSON PROPERTY ACQUISITION
DATE: AUGUST 3, 1998

INFORMATION/BACKGROUND

The entire 17-acre Wilkinson Property is not readily available for purchase by the city. Mr. Darrell Rodman, the owner, has expressed no interest in selling the entire property. At this time, in order to acquire the property as envisioned in the city's Comprehensive Parks, Recreation and Open Space Plan, it will be necessary to condemn the property. In a condemnation action the city will pay the property owner fair market value.

POLICY CONSIDERATIONS

This proposed acquisition of property is consistent with the adopted 1996 Comprehensive Parks, Recreation and Open Space Plan.

As an identified Resource Park, the property contains significant system of wetlands located on the property. The proposed resource area will provide public access to significant environmental features within the city limits, as well conserving and providing access to historic improvements on the landscape. Some of the uplands or dry portions of the property, including the original homestead, could be developed to provide a trailhead and trail system into this high quality natural area. As envisioned in the comprehensive plan, this site can be improved with a variety of outdoor facilities including picnic facilities, playgrounds, and open grassy playfields. Supporting services may also be developed including parking, restrooms and utilities (p.176, GHPROSP).

The bridge to Purdy powerline trail system extends through the property and could include multi-purpose trails intended to link major environmental assets, park and recreational facilities, community centers, and historical features throughout the urban growth area (Multipurpose Trails, p.178; Hiking and Walking Trails, p. 193; Off-Road mountain bike Trails, p.208, GHPROSP).

Also identified in Community/Recreation Centers element of the Comprehensive Plan, the Wilkinson Wetlands/Homestead acquisition could allow the city to renovate and retrofit the homestead as an interpretive center and community facility (p. 240 GHPROSP). This possible use of the property includes preservation of the house, barn, pasture and holly tree grove as a local "historic site." This scenario provides visitors and residents with an idea of what farms in Gig Harbor and environs were like during the first part of this century. Local 4-H groups, the draft-horse club, gardening clubs and similar groups might be invited to use and maintain

sections of the historic planting area, pasture and holly tree grove. Visitors would get the impression of a working farm and community groups would have the use of a great outdoor site. The historical society could be contracted to provide interpretation of the site. This could include any or all of the following: furnishing the house and barn with period artifacts and providing interpretive tours; creating displays or interpretive panels for building interiors and grounds; providing interpretive tours of the pasture and holly tree grove. There is also the possibility to develop interpretation around the wetland.

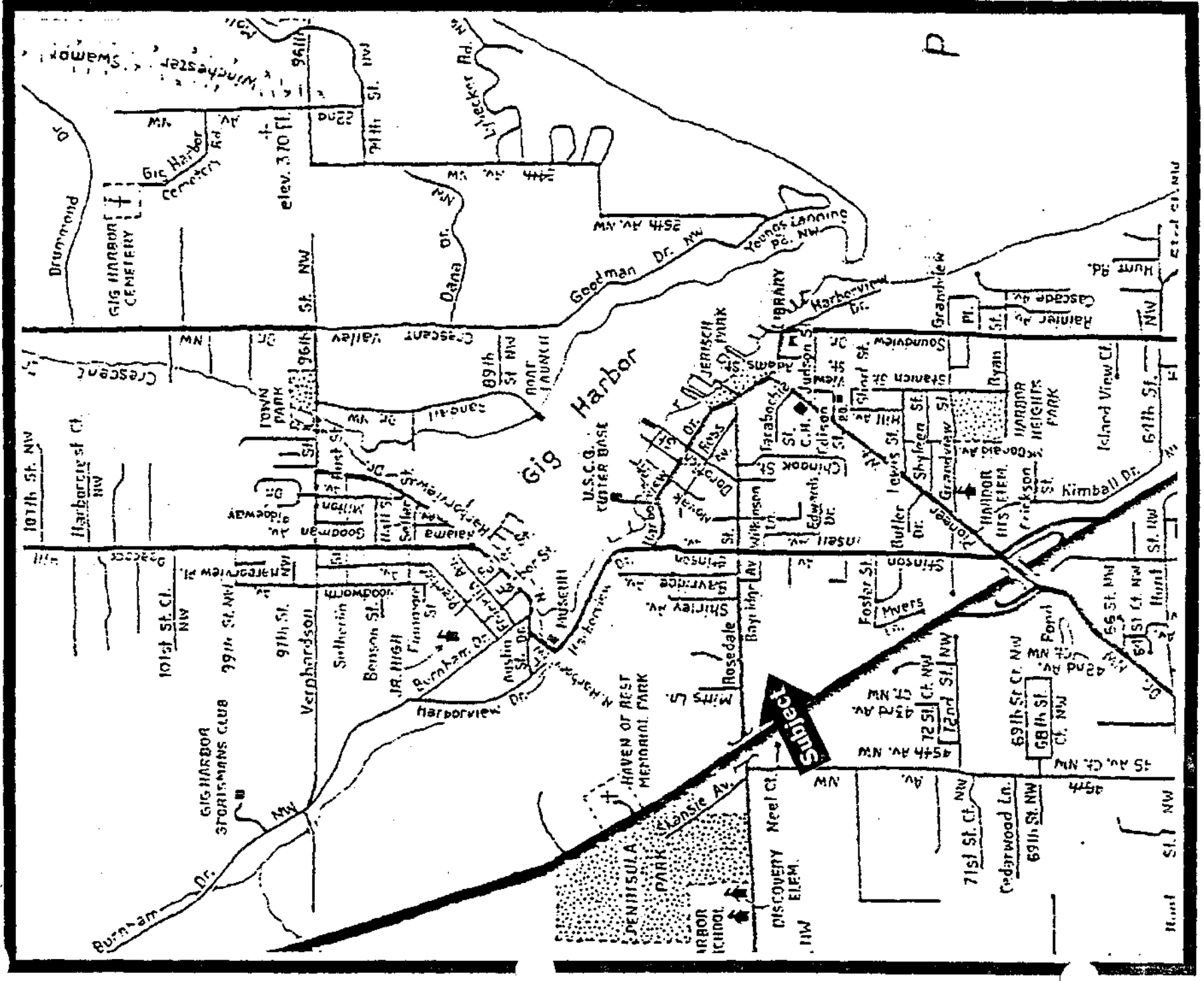
FISCAL CONSIDERATIONS

The Capital Improvement Plan 1996-2002 in the City of Gig Harbor Parks, Recreation and Open Space Plan indicates that the Wilkinson Wetlands is the only "high" priority project in Conservancy/Resource Parks category at an anticipated funding cost of approximately \$550,000, *including* acquisition, trail development, parking and restrooms.

RECOMMENDATION

This is the second reading of this ordinance. Staff recommends approval

Area Map



GIG HARBOR
STORMIANS CLUB

Gig Harbor

DISCOVERY NEEL CL. ELEM.
 IRROR SCHOOL
 PENINSULA PARK
 HAVEN OF REST MEMORIAL PARK
Subject

U.S.G. CUTTER BASE

GIG HARBOR CEMETERY

TOWN PARK

Crescent

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54th St. NW
53rd St. NW
52nd St. NW
51st St. NW
50th St. NW
49th St. NW
48th St. NW
47th St. NW
46th St. NW
45th St. NW

71st St. NW
Cedarwood Ln.
69th St. NW
68th St. NW

69th St. NW
68th St. NW

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54th St. NW
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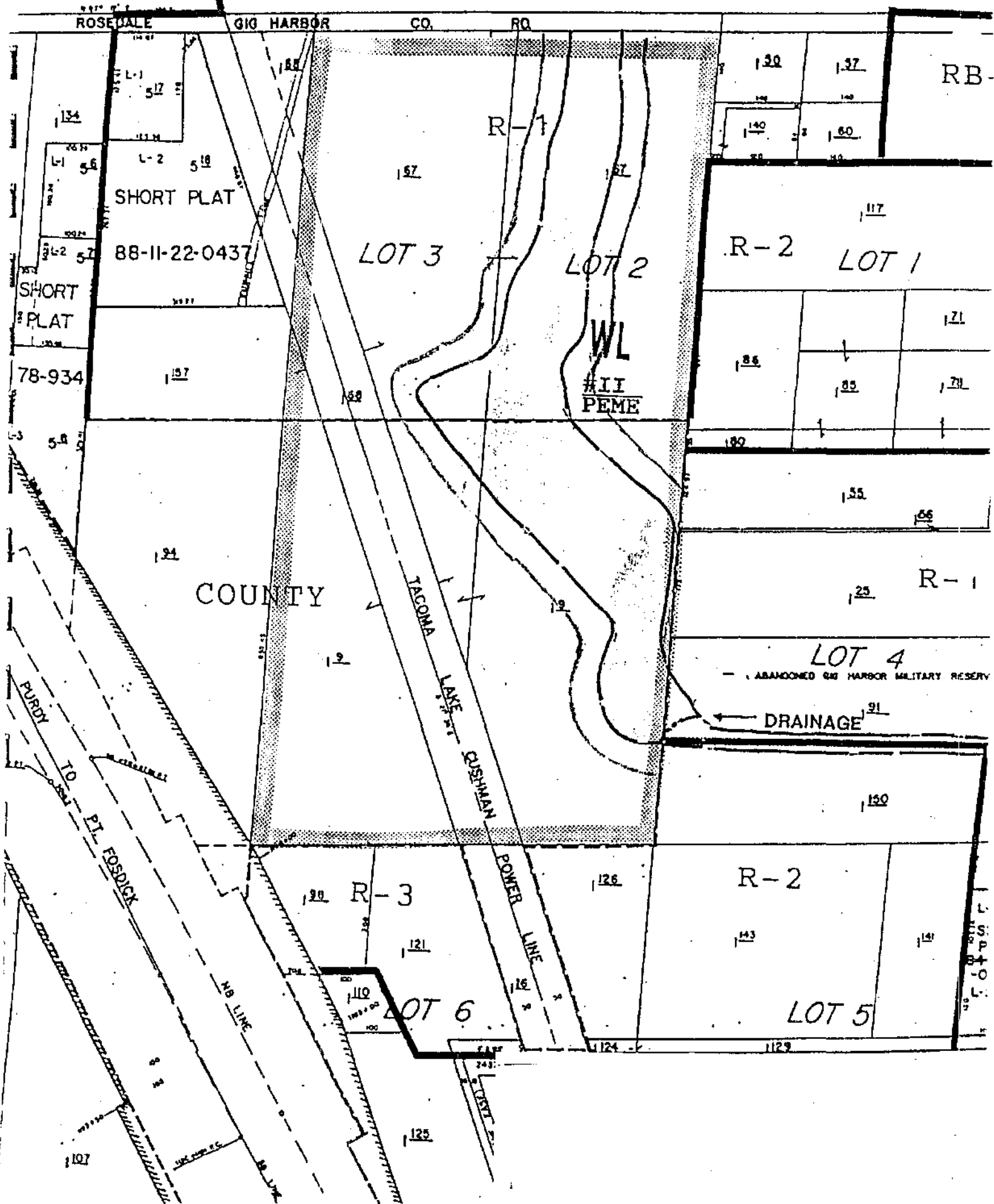
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45th St. NW

Harborview Dr.
Dana Dr. NW
Goodman Dr. NW
25th St. NW
Hunt Rd.
Cascade St.
Rainer St. NW
Granville St.
Soundview Dr.
Ryan St.
Inland View Ct.
Kimbrell Dr.
Hunt St. NW

P

Subject Site



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY FOR THE PURPOSE OF ESTABLISHING A WETLAND RESOURCE CONSERVANCY PARK, TO BE KNOWN AS THE WILKINSON PARK, TOGETHER WITH ALL RELATED IMPROVEMENTS NECESSARY FOR THE PARK PROJECT AND IN CONFORMANCE WITH APPLICABLE CITY STANDARDS; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY THEREFORE; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM CITY FUNDS; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, the acquisition of property for and the establishment of the Wilkinson Park project is an important part of the City's Comprehensive Parks Plan; and

WHEREAS, the City has attempted to negotiate the purchase of all necessary property rights for the Park project from the property owners but has reached an impasse; and

WHEREAS, in view of the impasse reached with the property owners, the City Council has determined to condemn the property necessary for establishment of the Wilkinson Park project; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Public Use. The City Council acknowledges that it has the authority, pursuant to RCW 8.12.030, to condemn land or property, or to damage the same, for public parks.

Section 2. Need for Property. The public health, safety, necessity and convenience

demand that the Wilkinson Park project be established, and that certain property be condemned, appropriated, taken and damaged for the establishment of the Park and installation of said improvements as provided by this ordinance.

Section 3. Declaration of Necessity. The City Council of the City of Gig Harbor, after hearing the report of City Staff and reviewing the planned improvements for the project, hereby declares that the property described on Exhibit A which is attached hereto and incorporated herein by this reference as if fully set forth, is necessary for the public use, i.e., for the establishment of the Wilkinson Park project, including property acquisition and park improvements.

Section 4. Condemnation. The real property described on Exhibit A shall be, and the same is hereby condemned, appropriated, taken and damaged for the purposes of establishment of the Wilkinson Park project, including property acquisition and installation of necessary park improvements to make a complete project in accordance with City of Gig Harbor standards. Condemnation of the property is subject to the payment of just compensation to the owners thereof in the manner provided by law.

Section 5. Authority of the City Attorney. The City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take and appropriate the property and/or property rights necessary to carry out the provisions of this ordinance, and is further authorized in conducting said condemnation proceedings, and for the purpose of minimizing damages, to stipulate as to the use of the property hereby authorized to be condemned and appropriated and as to the reservation of any right of use of the owner, provided that such reservation does not interfere with the use of said property as provided in this ordinance.

The City Attorney is further authorized to adjust the location and/or width of any easement taken in order to minimize damages, provided that said adjustments do not interfere with the use of said property by the City as provided in this ordinance.

Section 6. Source of Funds. The entire cost of the property acquisition authorized by this ordinance, including all cost and expenses of condemnation proceedings, shall be paid from City funds.

Section 7. Consistency with the City's Comprehensive Plan. Pursuant to 36.70A.120, this condemnation is consistent with the City's Comprehensive Plan.

Section 8. Effective Date. This ordinance, being the exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect and be in full force five (5) days after its passage and publication of the attached summary, which is hereby approved.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
CITY ATTORNEY, CAROL A. MORRIS

FILED WITH THE CITY CLERK: 6/3/98
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

EXHIBIT 'A'

Lots 2 and 3 of Gig Harbor Abandoned Military Reserve, in Section 7, Township 21 North, Range 2 East, W.M., Pierce County, Washington; except easement for establishment of Rosedale-Gig Harbor County Road, which is the north 30 feet of Lots 2 and 3; and except easement granted to Tacoma-Lake Cushman power line in Lot 3. Subject to all other restrictions, easements, and encumbrances of record.

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the ____ day of _____, 1998, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY FOR THE PURPOSE OF ESTABLISHING A WETLAND RESOURCE CONSERVANCY PARK, TO BE KNOWN AS THE WILKINSON PARK, TOGETHER WITH ALL RELATED IMPROVEMENTS NECESSARY FOR THE PARK PROJECT AND IN CONFORMANCE WITH APPLICABLE CITY STANDARDS; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY THEREFORE; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM CITY FUNDS; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 1998.

CITY CLERK, MOLLY TOWSLEE



City of Gig Harbor Police Dept.
3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-2236

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MITCH BARKER
SUBJECT: ORDINANCE TO AMEND GHMC CRIMINAL CODE SECTION
(Second Reading)
DATE: AUGUST 5, 1998

INFORMATION/BACKGROUND

The current criminal code section of the Gig Harbor Municipal Code has become outdated in some instances. In the cases where we have identified an immediate need, we have made the changes required. Our legal counsel has now completed a comprehensive review of our criminal code and has submitted the attached ordinance. The ordinance repeals, amends, and adds various sections of the code to bring it current and adopt sections of the State RCW.

FISCAL IMPACTS

There is no direct fiscal impact attached to this ordinance.

RECOMMENDATION

This is the second reading of this ordinance. The Police Department and legal counsel recommend that the Council adopt this ordinance at this reading.

0008.160.002(C)
RJM/hrg
04/03/98
R:04/06/98hrg
R:04/09/98hrg
R:05/22/98
R:06/23/98
R:07/09/98

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S CRIMINAL CODE, REPEALING SECTIONS 9.04.020, 9.04.030, 9.20.040, 9.30.050, 9.30.060, 9.30.070, 9.30.080, 9.30.090, 9.32.010, AND 9.34.010 OF THE GIG HARBOR MUNICIPAL CODE, AMENDING VARIOUS SECTIONS OF TITLE 9 OF THE GIG HARBOR MUNICIPAL CODE, ADDING NEW CRIMES, DELETING REPEALED AND/OR OUTDATED CRIMES, SETTING FORTH PENALTIES, ADOPTING VARIOUS PROVISIONS OF THE REVISED CODE OF WASHINGTON BY REFERENCE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35A.11.020 authorizes the legislative body of code cities to adopt and enforce criminal codes related to misdemeanor and gross misdemeanor offenses, and

WHEREAS, the City has adopted a criminal code as authorized by statute, and

WHEREAS, various provisions of the City's criminal code have not been updated in several years, and

WHEREAS, new crimes have been added to the Revised Code of Washington by the State Legislature since the latest amendment of the City's criminal code, and

WHEREAS, the City desires to adopt some of these new crimes and amend and clarify existing portions of the City's criminal code, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Repealer. The following sections of the Gig Harbor Municipal Code are hereby repealed: 9.04.020, 9.04.030, 9.20.040, 9.30.050, 9.30.060, 9.30.070, 9.30.080, 9.30.090, 9.32.010, and 9.34.010.

Section 2. Section 9.01.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.01.020 General provisions.

The following state statutes are adopted by reference:

RCW

- 9.01.055 Citizen immunity if aiding officer.
- 9.01.110 Omission, when not punishable.
- 9.01.130 Sending letter, when complete.
- 9A.04.020 Purposes — Principles of construction.
- 9A.04.030 State criminal jurisdiction.
- 9A.04.040 Classes of crime.
- 9A.04.050 People capable of committing crimes — Capability of children.
- 9A.04.060 Common law to supplement statutes.
- 9A.04.070 Who amenable to criminal statutes.
- 9A.04.080 Limitation of actions.
- 9A.04.090 Application of general provisions of the code.
- 9A.04.100 Proof beyond a reasonable doubt.
- 9A.04.110 Definitions.

Section 3. Section 9.01.040 of the Gig Harbor Municipal Code, is hereby amended to read as follows:

9.01.040 Defenses.

The following state statutes are adopted by reference:

RCW

- 9A.12.010 Insanity.

- 9A.16.010 Definitions.
- 9A.16.020 Use of force — When lawful.
- 9A.16.060 Duress.
- 9A.16.070 Entrapment.
- 9A.16.080 Action for being detained on mercantile establishment of premises for investigation — "Reasonable grounds" as defense.
- 9A.16.090 Intoxication.
- 9A.16.100 Use of force on children - Policy - Actions presumed reasonable.

Section 4. Section 9.01.050 of the Gig Harbor Municipal Code, is hereby amended to read as follows:

9.01.050 Contempt.

The following state statutes are hereby adopted by reference:

- RCW
- 7.21.010 Definitions.
 - 7.21.020 Sanctions - Who may impose.
 - 7.21.030 Remedial sanctions - Payment for losses.
 - 7.21.040 Punitive sanctions - Fines.
 - 7.21.050 Sanctions - Summary imposition - Procedure.
 - 7.21.060 Administrative actions on proceedings - Petition to court for imposition of sanctions.
 - 7.21.070 Appellate review.

Section 5. Section 9.01.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.01.060 Penalty.

A. Any person convicted of a gross misdemeanor shall be punished by a fine not to exceed \$5,000 or by imprisonment in jail for a term not to exceed one year, or by both such fine and imprisonment.

B. Unless otherwise provided, any person convicted of violating the provisions of this title shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000

or by imprisonment in jail for a term not to exceed 90 days, or by both such fine and imprisonment.

C. In addition to the penalty provisions set forth in this section, a person who is convicted of a misdemeanor violation of any provision of Chapter 69.50 RCW adopted by reference shall be punished in accordance with RCW 69.50.425 as said statute now exists or is hereafter amended.

Section 6. Section 9.01.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.01.090 Amendments and additions.

This title is adopted in accordance with the provisions of RCW 35A.12.140, and all amendments, additions, and recodifications to the Revised Code of Washington sections adopted by reference herein, when printed and filed with the city clerk, shall be considered and accepted as amendments and additions to this chapter.

Section 7. Section 9.04.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.04.010 Alcoholic beverage control Enforcement.

The following state statutes are adopted by reference and wherever the word "title" or words "this title" are used therein the same shall be construed to mean and refer to RCW Title 66 and "this act" shall mean and refer to the Washington State Liquor Act:

RCW
66.04.010 Definitions.
66.04.011 "Public place" not to include certain parks and picnic areas.
66.20.200 Unlawful acts relating to card of identification and certification card - Penalties.
66.20.210 Licensee's immunity to prosecution or suit — Certification card as evidence of good faith.
66.20.300 Alcohol servers — Definitions.
66.20.310 Alcohol servers — Permits — Requirements — Suspension, revocation — Violations — Exemptions.

- 66.20.340 Alcohol server — Violation of rules — Penalties.
- 66.28.080 Permit for music and dancing upon licensed premises.
- 66.28.090 Licensed premises open to inspection — Failure to allow, when.
- 66.44.040 Sufficiency of description of offenses in complaints, information, process, etc.
- 66.44.050 Description of offense in words of statutes — Proof required.
- 66.44.060 Proof of unlawful sale establishes prima facie intent.
- 66.44.070 Certified analysis is prima facie evidence of alcoholic content.
- 66.44.080 Service of process on corporation.
- 66.44.090 Acting without license.
- 66.44.100 Opening or consuming liquor in public place — Penalty
- 66.44.120 Unlawful use of seal.
- 66.44.130 Sale of liquor by drink or bottle.
- 66.44.140 Unlawful sale, transportation of spirituous liquor without a stamp or seal — Unlawful operation, possession of *still* or *mash*.
- 66.44.150 Buying liquor illegally.
- 66.44.160 Illegal possession, transportation of alcoholic beverages.
- 66.44.170 Illegal possession of liquor with intent to sell - Prima facie evidence, what is.
- 66.44.175 Violations of law.
- 66.44.180 General penalties — Jurisdiction for violation.
- 66.44.200 Sales to persons apparently under the influence of liquor.
- 66.44.210 Obtaining liquor for ineligible person.
- 66.44.240 Drinking in public conveyance Penalty against carrier.
- 66.44.250 Same — Penalty against individual.
- 66.44.265 Candidates giving or purchasing liquor on election day prohibited.
- 66.44.270 Furnishing liquor to minors — Possession, use — Exhibition of effects — Exceptions.
- 66.44.280 Minor applying for permit.
- 66.44.290 Minor purchasing liquor.
- 66.44.291 Penalty for minor purchasing or attempting to purchase liquor.

- 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least twenty-one, in public place where liquor is sold.
- 66.44.310 Minors frequenting off-limits area - Misrepresentation of age — Classification of licenses.
- 66.44.316 Certain persons eighteen years and older permitted to enter and remain upon licensed premises during employment.
- 66.44.320 Sales of liquor to minors a violation.
- 66.44.325 Unlawful transfer to a minor of an identification card.
- 66.44.328 Preparation or acquisition in supply to persons under age twenty-one of facsimile of official identification card - Penalty.
- 66.44.340 Employees 18 years and over allowed to sell and carry beer and wine for Class E and/or F employees.
- 66.44.350 Employees eighteen years and over allowed to serve and carry liquor, clean up, etc., for class A, C, D and/or H licensed employers.
- 66.44.370 Resisting or opposing officers in enforcement of title.

Section 8. Section 9.06.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.06.010 Animals — Conduct prohibited.

The following state statutes are adopted by reference:

- RCW
- 9.08.020 Diseased animals.
- 9.08.030 False certificate of registration of animals — False representation as to breed.
- 9.08.065 Definitions.
- 9.08.070 Dogs — Taking, concealing, injuring, killing, etc. — Penalty.

Section 9. Section 9.06.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.06.020 Prevention of cruelty to animals.

The following state statutes are adopted by reference:

RCW

16.52.011	Definitions — Principles of liability.
16.52.080	Transporting or confining in unsafe manner — Penalty.
16.52.085	Removal of neglected animal — Examination — Notice — Euthanasia.
16.52.090	Docking horses — Misdemeanor.
16.52.095	Cutting ears — Misdemeanor.
16.52.100	Confinement without food and water — Intervention by others.
16.52.110	Old or diseased animals at large.
16.52.117	Animal fighting — Owners, trainers, spectators — Exceptions.
16.52.180	Limitation on application of chapter.
16.52.185	Exclusions from chapter.
16.52.190	Poisoning animals.
16.52.193	Poisoning animals — Strychnine sales — Records — Report on suspected purchases.
16.52.195	Poisoning animals — Penalty.
16.52.200	Sentences — Forfeiture of animals — Liability for costs — Civil penalty — Education, counseling.
16.52.207	Animal cruelty in the second degree.
16.52.210	Destruction of animal by law enforcement officer — Immunity from liability.
16.52.300	Dogs or cats used as bait — Seizure — Limitation.

Section 10. Section 9.08.010 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

9.08.010 Anticipatory offenses prohibited.

The following state statutes are adopted by reference:

RCW

9A.28.020	Criminal attempt.
9A.28.030	Criminal solicitation.
9A.28.040	Criminal conspiracy.

Section 11. Section 9.10.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.10.010 Conduct prohibited.

The following state statutes are adopted by reference:

RCW

- 9.91.060 Leaving children unattended in parked automobile.
- 13.32A.080 Unlawful harboring of a minor — Penalty — Defense — Prosecution of adult for involving children in commission of offense.
- 13.32A.082 Providing shelter to minor — Requirement to notify parent, law enforcement, or department.
- 13.32A.084 Providing shelter to minor — Immunity from liability.
- 26.28.060 Child labor — Penalty.
- 26.28.080 Selling or giving tobacco to a minor — Belief of representative capacity no defense — Penalty.
- 26.28.085 Applying tattoo to a minor — Penalty.
- 70.155.010 Definitions.
- 70.155.080 Purchasing or obtaining tobacco by persons under the age of eighteen - Civil infraction.

Section 1,
Chapter 133,
Laws of 1998

Section 12. A new Section 9.10.030, entitled Sexual exploitation of children and minor access to erotic materials, is hereby added to the Gig Harbor Municipal Code is hereby amended to read as follows:

9.10.030 Sexual exploitation of children and minor access to erotic materials.

- 9.68A.011 Definitions.
- 9.68A.080 Processors of depictions of minor engaged in sexually explicit conduct — Report required.
- 9.68A.090 Communicating with a minor for immoral purposes.
- 9.68A.110 Certain defenses barred, permitted.
- 9.68A.120 Seizure and forfeiture of property.
- 9.68A.140 Definitions.

- 9.68A.150 Allowing minor on premises of live erotic performance.
- 9.68A.160 Penalty.

Section 13. Section 9.14.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.14.010 State statutes adopted by reference.

The following state statutes are adopted by reference:

- RCW
- 69.41.010 Definitions.
- 69.41.020 Prohibited acts — Information not privileged communication.
- 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited - Exceptions.
- 69.41.050 Labeling requirements.
- 69.41.060 Search and seizure.
- 69.41.062 Search and seizure at rental premises — Notification of landlord.
- 69.41.065 Violation — Juvenile driving privileges.
- 69.41.070 Penalties.
- 69.50.101 Definitions.
- 69.50.102 Drug paraphernalia — Definitions.
- 69.50.204
- (c)(14) Schedule I — Marijuana.
- 69.50.309 Containers.
- 69.50.401(e) Prohibited Acts: A-Penalties.
- 69.50.408 Second or subsequent offenses.
- 69.50.412 Prohibited Acts: E-Penalties.
- 69.50.420 Violations — Juvenile driving privileges.
- 69.50.425 Misdemeanor violations — Minimum imprisonment.
- 69.50.505 Seizure and Forfeiture.
- 69.50.506 Burden of Proof; liabilities.

Section 14. Section 9.14.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.14.030 Inhaling toxic fumes.

The following state statutes are adopted by reference:

- RCW
 9.47A.010 Definition.
 9.47A.020 Unlawful inhalation — Exception.
 9.47A.030 Possession of certain substances prohibited, when.
 9.47A.040 Sale of certain substance prohibited, when.
 9.47A.050 Penalty.

Section 15. Section 9.14.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.14.040 Poisons.

The following state statutes are hereby adopted by reference:

- RCW
 69.38.010 "Poison" defined.
 69.38.020 Exceptions from chapter.
 69.38.030 Poison register - Identification of purchaser.
 69.38.040 Poison register — Penalty for failure to maintain register.
 69.38.050 False representations - Penalty.
 69.38.060 Manufacturers and sellers of poisons - License required - Penalty.

Section 16. Section 9.14.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.14.060 Steroids.

The following state statutes are adopted by reference:

- RCW
 69.41.300 Definitions.
 69.41.320 Practitioners — Restricted use Medical records.

Section 17. Section 9.20.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.20.010 Firearms and dangerous weapons — Prohibitions.

The following statutes of the state of Washington are adopted by reference:

RCW	
9.41.010	Terms defined.
9.41.042	Children - Permissible firearm possession.
9.41.047	Restoration of possession rights.
9.41.050	Carrying firearms.
9.41.060	Exceptions to restrictions on carrying firearms.
9.41.070	Concealed pistol license — Application — Fee — Renewal.
9.41.075	Concealed pistol license - Revocation.
9.41.090	Dealer deliveries regulated - Hold on delivery.
9.41.094	Waiver of confidentiality.
9.41.098	Forfeiture of firearms — Disposition — Confiscation.
9.41.110	Dealer's licenses, by whom granted, conditions, fees - Employees, finger printing and background checks - Wholesale sales excepted - Permits prohibited.
9.41.120	Firearms as loan security.
9.41.122	Out-of-state purchasing.
9.41.124	Purchasing by non-residents.
9.41.185	Coyote getters.
9.41.220	Unlawful firearms and parts contraband.
9.41.230	Aiming or discharging firearms, dangerous weapons.
9.41.240	Possession of pistol by person from eighteen to twenty one.
9.41.250	Dangerous weapons — Penalty.
9.41.260	Dangerous exhibitions.
9.41.270	Weapons apparently capable of producing bodily harm — Unlawful carrying or handling — Penalty — Exceptions.
9.41.280	Possessing dangerous weapons on school facilities — Penalty — Exceptions.
9.41.300	Weapons prohibited in certain places - Local laws and ordinances - Exceptions - Penalty.
9.41.800	Surrender of weapons or licenses — Prohibition on future possession or licensing.

9.41.810 Penalty.
70.74.010 Definition of explosives.

Section 18. Section 9.20.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.20.020 Unlawful use of air guns — Penalty.

A. It is unlawful for any person to point or shoot an air gun, bow and arrow, or crossbow at any person or property of another, or to aim or discharge such weapon in the direction of the person or residence of another, while within such range as to cause or inflict injury to the person or damage the property of another.

B. As used in this section, "air gun" means and includes the following: air gun, air pistol, air rifle, BB gun and toy or other guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB, rock or other hard substance a distance of more than 25 feet with sufficient force to break windows or inflict injury upon persons or animals.

C. Any person convicted of a violation of the provisions of this section is guilty of a misdemeanor and, in addition to any other punishment imposed by the court, the court shall direct that the weapon so used in violation of the provisions hereof be confiscated.

Section 19. A new Section 9.20.040, entitled Destruction, Trade or Sale of Forfeited Firearms, is hereby added to the Gig Harbor Municipal Code to read as follows:

9.20.040 Destruction, trade or sale of forfeited firearms.

A. Firearms that are (1) judicially forfeited and no longer needed for evidence or (2) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010 may be disposed of by the city.

B. The city may destroy, retain, trade, auction or arrange for an auction of forfeited firearms obtained on or after June 30, 1993 pursuant to Section 9.01.010, adopting by reference RCW Section 9.41.098.

C. The city may retain the proceeds of any trade or auction of forfeited firearms.

Section 20. Section 9.22.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.22.010 Frauds and swindles.

The following state statutes are adopted by reference:

RCW

- 9.04.010 False advertising.
- 9.04.090 Advertising fuel prices by service stations.
- 9.16.080 Sales of petroleum products improperly labeled or by wrong grade.
- 9.16.090 Sales of petroleum products improperly labeled by wrong grade - Penalty for violations.
- 9.18.080 Offender a competent witness.
- 9.18.120 Suppression of competitive bidding.
- 9.18.130 Collusion to prevent competitive bidding.
- 9.18.140 Penalty.
- 9.18.150 Agreements out of state.
- 9.44.080 Misconduct in signing a petition.
- 9.45.060 Encumbered, leased or rented personal property - Construction.
- 9.45.062 Failure to deliver leased personal property — Requisites for presentation — Construction.
- 9.45.070 Mock auctions.
- 9.45.080 Fraudulent removal of property.
- 9.45.090 Knowingly receiving fraudulent conveyance.
- 9.45.100 Fraud in assignment for benefit of creditors.
- 9.26A.090 Telephone company credit cards - Prohibited acts.
- 9.26A.100 Definitions.
- 9.26A.110 Fraud in obtaining telecommunications service - Penalty.
- 9.26A.120 Fraud in operating coin-box telephone or other receptacle.
- 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin.
- 9A.60.010 Definitions.
- 9A.60.040 Criminal impersonation.
- 9A.60.050 False certification.

Section 21. Section 9.22.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.22.020 False representations.

The following state statutes are adopted by reference:

RCW

- 9.38.010 False representation concerning credit.
- 9.38.015 False statement by deposit account applicant.
- 9.38.020 False representation concerning title.

Section 22. Section 9.26.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.26.010 Assault and other crimes involving physical harm.

The following statutes, including all future amendments, are adopted by reference:

RCW

- 9A.36.041 Assault in the fourth degree.
- 9A.36.050 Reckless endangerment.
- 9A.36.070 Coercion.

Section 23. Section 9.26.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.26.040 Harassment.

The following state statutes are adopted by reference:

RCW

- 9A.46.020 Definition — Penalties.
- 9A.46.030 Place where committed.
- 9A.46.040 Court-ordered requirements upon person charged with crime — Violation.
- 9A.46.050 Arraignment — No-contact order.
- 9A.46.060 Crimes included in harassment.
- 9A.46.070 Enforcement of orders restricting contact.

- 9A.46.080 Order restricting contact — Violation.
- 9A.46.090 Nonliability of peace officer.
- 9A.46.100 "Convicted," time when.
- 9A.46.110 Stalking.
- 9.61.230 Telephone harassment.
- 9.61.240 Telephone harassment — Permitting telephone to be used.
- 9.61.250 Telephone Harassment — Offenses, where deemed committed.

Section 24. Section 9.26.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.26.070 Civil anti-harassment and protection orders.

The following state statutes are adopted by reference:

RCW

- 10.14.010 Legislative findings, intent.
- 10.14.020 Definitions.
- 10.14.030 Course of conduct — Determination of purpose.
- 10.14.040 Protection order — Petition.
- 10.14.050 Administrative reports — Forms, information.
- 10.14.060 Proceeding informā pauperis.
- 10.14.070 Hearing — Service.
- 10.14.080 Anti-harassment protection orders — Ex parte orders — Renewals.
- 10.14.085 Hearing re set after ex parte order.
- 10.14.090 Representation or appearance.
- 10.14.100 Service of order.
- 10.14.105 Order following service by publication.
- 10.14.110 Notice to law enforcement agencies — Enforceability.
- 10.14.115 Enforcement of order — Knowledge prerequisite to penalties — Reasonable efforts to serve copy of order.
- 10.14.120 Disobedience of order — Penalty.
- 10.14.125 Service by publication — Cost.
- 10.14.130 Exclusion of certain actions.
- 10.14.140 Other remedies.
- 10.14.150 Jurisdiction.
- 10.14.160 Where action may be brought.

- 10.14.170 Criminal penalty.
- 10.14.180 Modification of order.
- 10.14.190 Constitutional rights.
- 10.14.200 Availability of orders in proceedings under chapter 26.09, 26.10, or 26.26 RCW.
- 10.14.900 Severability.

Section 25. A new Section 9.26.080, entitled Criminal Mistreatment, is hereby added to the Gig Harbor Municipal Code to read as follows:

9.26.080 Criminal mistreatment.

The following state statutes are adopted by reference:

- RCW
- 9A.42.010 Definitions.
- 9A.42.080 Abandonment of a dependent person in the third degree.
- 9A.42.090 Abandonment of a dependent person — Defense.

Section 26. A new Section 9.26.090, entitled Failure to Abide by Court Order, is hereby added to the Gig Harbor Municipal Code to read as follows:

9.26.090 Failure to abide by court order.

It shall be a gross misdemeanor for any person subject to a court order, the violation of which is not covered by a specific provision of this title, to knowingly and wilfully violate the terms of that order.

Section 27. Section 9.28.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.28.010 Theft, unauthorized issuance of bank checks and possession of stolen property.

The following state statutes are adopted by reference:

- RCW
- 9.54.130 Restoration of stolen property — Duty of officers.
- 9A.56.010 Definitions.

- 9A.56.020 Theft — Definition, defense.
- 9A.56.050 Theft in third degree.
- 9A.56.060 Unlawful issuance of checks or drafts.
- 9A.56.096 Theft of rental, leased, or lease - Purchased property.
- 9A.56.140 Possessing stolen property Definition, access devices, presumption.
- 9A.56.170 Possessing stolen property in the third degree.
- 9A.56.220 Theft of cable television services.
- 9A.56.230 Unlawful sale of cable television services.
- 9A.56.240 Forfeiture and disposal of device used to commit violation.
- 9A.56.260 Connection of channel converter.
- 9A.56.270 Shopping cart theft.

Section 28. Section 9.28.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.28.020 Malicious mischief and obscuring identity of machines.

The following state statutes, including all future amendments, are adopted by reference:

- RCW
- 9A.48.090 Malicious mischief in the third degree.
 - 9A.48.100 Malicious mischief - "Physical Damage" defined.
 - 9A.48.110 Defacing a state monument.
 - 9A.56.180 Obscuring identity of a machine.

Section 29. A new Section 9.28.050, entitled Interference with Health Care Facilities or Providers, is hereby added to the Gig Harbor Municipal Code to read as follows:

9.28.050 Interference with health care facilities or providers.

The following statutes of the state of Washington are adopted by reference:

- RCW
- 9A.50.010 Definitions.
 - 9A.50.020 Interference with health care facility.
 - 9A.50.030 Penalty.

9A.50.060 Informational picketing.

Section 30. Section 9.30.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.30.020 Sex crimes - Prostitution - Unlawful public exposure.

A. The following statutes of the state of Washington are adopted by reference:

RCW

9A.44.010	Definitions.
9A.44.020	Testimony - Evidence - Written motion - Admissibility.
9A.44.030	Defenses to prosecution under this chapter.
9A.44.096	Sexual misconduct with a minor in the second degree.
Section 1, Chapter 221, 1998 Laws	Voyeurism
9A.88.010	Indecent exposure.
9A.88.030	Prostitution.
9A.88.050	Prostitution — Sex of parties immaterial — No defense.
9A.88.060	Promoting prostitution - Definitions.
9A.88.090	Permitting prostitution.
9A.88.110	Patronizing a prostitute.
9A.88.120	Additional fee assessments.

B. A person commits the crime of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. Indecent exposure is a misdemeanor, unless such person exposes himself/herself to a person under the age of 14 years, in which case the offense is a gross misdemeanor.

Section 31. Section 9.30.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.30.040 Unlawful public exposure — Exemptions.

The prohibition set forth in GHMC 9.30.020(B) shall not apply to any:

- A. "Expressive dance," as defined in GHMC 9.30.010;
- B. Play, opera, musical or other dramatic work;
- C. Class, seminar or lecture, conducted for a scientific or educational purpose; or
- D. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities.

Section 32. A new Section 9.30.050, entitled Obscenity, is hereby added to the

Gig Harbor Municipal Code to read as follows:

9.30.050 Obscenity.

The following statutes of the state of Washington are adopted by reference:

RCW	
9.68.015	Obscene literatures, shows, etc., — Exemptions.
9.68.030	Indecent articles, etc.
9.68.050	"Erotic material" — Definitions.
9.68.060	"Erotic material" — Determination by court — Labeling — Penalties.
9.68.070	Prosecution for violation of RCW 9.68.060 — Defense.
9.68.080	Unlawful acts.
9.68.100	Exceptions to provisions of RCW 9.68.050 through 9.68.120.
9.68.110	Motion picture operator or projectionist exempt, when.
9.68.120	Provisions of RCW 9.68.050 through 9.68.120 exclusive.
9.68.130	"Sexually explicit material" — Defined — Unlawful display.

Section 33. Section 9.32.020 of the Gig Harbor Municipal Code is hereby amended and renumbered to read as follows:

9.32.010 Obstructing justice, criminal assistance, introducing contraband and related offenses.

The following state statutes are adopted by reference:

RCW

- 9.69.100 Duty of witness of offense against child or any violent offense - Penalty.
- 9A.72.010 Definitions.
- 9A.72.040 False swearing.
- 9A.72.050 Perjury and false swearing - Inconsistent statements - Degree of crime.
- 9A.72.060 False swearing — Retraction.
- 9A.72.070 False swearing — Irregularities no defense.
- 9A.72.080 Statement of what one does not know to be true.
- 9A.72.140 Jury tampering.
- 9A.72.150 Tampering with physical evidence.
- 9A.76.010 Definitions.
- 9A.76.020 Obstructing a law enforcement officer.
- 9A.76.030 Refusing to summon aid for a peace officer.
- 9A.76.040 Resisting arrest.
- 9A.76.050 Rendering criminal assistance Definition of term.
- 9A.76.060 Relative defined.
- 9A.76.070 Rendering criminal assistance in the first degree.
- 9A.76.080 Rendering criminal assistance in the second degree.
- 9A.76.090 Rendering criminal assistance in the third degree.
- 9A.76.100 Compounding.
- 9A.76.160 Introducing contraband in the third degree.
- 9A.76.170 Bail jumping.
- 9A.76.175 Making a false or misleading statement to a public servant.
- 9A.84.040 False reporting.

Section 34. Section 9.34.010 of the Gig Harbor Municipal Code is hereby amended and renumbered to read as follows:

9.34.010 Riot, failure to disperse, disorderly conduct.

The following state statutes are adopted by reference:

RCW

- 9.27.015 Interference, obstruction of any court, building or residence — Violations.
- 9A.84.010 Riot.
- 9A.84.020 Failure to disperse.
- 9A.84.030 Disorderly Conduct.

Section 35. Section 9.34.015 of the Gig Harbor Municipal Code is hereby

amended and renumbered to read as follows:

9.34.015 Disturbance of the peace - Penalty.

A. A person is guilty of disturbing the public peace if he or she intentionally engages in any conduct which tends to or does disturb the public peace.

B. The following are determined to disturb the public peace:

1. The frequent, repetitive or continuous sounding of any horn or siren, except as a warning of danger or as specifically permitted or required by law;

2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, watercraft, or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property, unless otherwise authorized by law;

3. Yelling, shouting, whistling, or other raucous noises, on or near the public streets between the hours of 11:00 p.m. and 7:00 a.m.;

4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions, or social gatherings;

5. Sound from motor vehicle sound systems, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself,

6. Sound from audio equipment, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 30 feet from the source, unless it occurs within a multifamily unit such as a duplex, apartment or condominium, in which case it shall be a disturbance if it is clearly

audible to a neighbor, and disturbs his/her peace as described in subsection D above;

7. The repetitive noise created by animals under the control of individuals within the city, such as barking, or yelping dogs, or other such noises from animals, that unreasonably disturbs or interferes with the peace, comfort and repose of owners or possessors of real property; and

8. The foregoing provisions shall not apply to regularly scheduled events such as public address systems for baseball games, authorized street dances or other authorized community sponsored events. Safety devices, fire alarms, and emergency vehicles are exempt from these provisions.

C. Disturbing the public peace is a misdemeanor.

Section 36. Section 9.34.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.34.030 Privacy — Violating right of.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 9.73.010 Divulging telegram.
- 9.73.020 Opening sealed letter.
- 9.73.030 Intercepting, recording or divulging private communication — Consent required — Exceptions.
- 9.73.040 Intercepting private communication - Court order permitting interception - Grounds for issuance - Duration - Renewal.
- 9.73.050 Admissibility of intercepted communication and evidence.
- 9.73.070 Persons and activities excepted.
- 9.73.090 Police and fire personnel exempted from 9.73.030 — 9.73.080 — Standards.
- 9.73.095 Intercepting, recording, or divulging inmate conversations — Conditions — Notice.
- 9.73.100 Recordings available to defense counsel.
- 9.73.110 Intercepting, recording or disclosing private communications — Not unlawful for building owner — Conditions.
- 9.73.120 Reports — Required, when, contents.
- 9.73.130 Recording private communications — Authorization.

- 9.73.140 Recording private conversations — Authorization — Inventory.
- 9.73.200 Intercepting, transmitting or recording conversations concerning controlled substances — Findings.
- 9.73.210 Intercepting, transmitting or recording conversations concerning controlled substances — Authorization — Monthly report — Admissibility — Destruction of information.
- 9.73.220 Judicial authorities — Availability of Judge required.
- 9.73.230 Intercepting, transmitting or recording conversations concerning controlled substances — Conditions — Written reports required — Judicial review — Notice — Admissibility — Penalties.
- 9.73.240 Intercepting, transmitting, or recording conversations concerning controlled substances — Concurrent power of attorney general to investigate and prosecute.

Section 37. A new Section 9.34.060, entitled Abuse of Office, is hereby added to the Gig Harbor Municipal Code to read as follows:

9.34.060 Abuse of office.

The following state statutes are hereby adopted by reference:

- RCW
9A.80.010 Official misconduct.

Section 38. Section 9.36.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.36.010 Conduct prohibited.

The following state statutes are adopted by reference:

- RCW
9.02.050 Concealing birth.
- 9.03.010 Abandoning, discarding, refrigeration equipment.
- 9.03.020 Permitting unused equipment to remain on premises.
- 9.03.030 Violation of RCW 9.03.010 or
- 9.03.040 Keeping or storing equipment for sale.

- 9.91.010 Denial of civil rights — Terms defined.
- 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.
- 9.91.025 Unlawful bus conduct.
- 9.91.110 Meal buyers — Records of purchases Penalty.
- 9.91.130 Disposal of trash in charity donation receptacle.
- 9.91.140 Food stamps.
- 9.91.150 Tree spiking.

Section 39. Section 9.36.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.36.020 Littering and pollution.

The following state statutes are adopted by reference:

- RCW
- 70.93.060 Littering, prohibited - Penalties.
- 70.54.010 Polluting water supply.

Section 40. Section 9.36.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.36.040 Regulation of recreational vessels.

The following state statutes are hereby adopted by reference:

- RCW
- 88.12.010 Definitions.
- 88.12.015 Violations of chapter punishable of misdemeanors - Circumstances - Violations designated as civil infractions.
- 88.12.020 Operation of a vessel in a negligent manner - Penalty.
- 88.12.025 Operation of vessel in a reckless manner - Operation of a vessel under the influence of intoxicating liquor - Penalty.
- 88.12.035 Failure to stop for law enforcement officer.
- 88.12.075 Tampering with vessel lights or signals - Exhibiting false lights or signals - Penalty.
- 88.12.085 Muffler or underwater exhaust system required - Exemptions - Enforcement - Penalty.
- 88.12.115 Personal floatation devices required - Penalty.

- 88.12.125 Water skiing safety - Requirements.
- 88.12.135 Loading or powering vessel beyond safe operating ability - Penalties.
- 88.12.145 Operation of personal water craft - Prohibited activities - Penalties.
- 88.12.155 Duty of operator involved in collision, accident, or other casualties - Immunity from liability of persons rendering assistance - Penalties.

Section 41. Codes adopted by Reference. Pursuant to RCW 35A.12.140, one copy of the statutes adopted by reference herein have been and are now on file with the City Clerk and are available for examination by the public.

Section 42. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or 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 43. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
CAROL A. MORRIS

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

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the ____ day of _____, 1998, the City Council of the City of Gig Harbor passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S CRIMINAL CODE, REPEALING SECTIONS 9.04.020, 9.04.030, 9.20.040, 9.30.050, 9.30.060, 9.30.070, 9.30.080, 9.30.090, 9.32.010, AND 9.34.010 OF THE GIG HARBOR MUNICIPAL CODE, AMENDING VARIOUS SECTIONS OF TITLE 9 OF THE GIG HARBOR MUNICIPAL CODE, ADDING NEW CRIMES, DELETING REPEALED AND/OR OUTDATED CRIMES, SETTING FORTH PENALTIES, ADOPTING VARIOUS PROVISIONS OF THE REVISED CODE OF WASHINGTON BY REFERENCE, AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 1998.

CITY CLERK, MOLLY TOWSLEE



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *Mark Hoppen*
SUBJECT: AGREEMENT - LIONS CLUB
DATE: AUGUST 3, 1998

INFORMATION/BACKGROUND

The Gig Harbor Lions Club was issued a right-of-way use permit to begin the initial construction phase of the Finholm Viewclimb project. The club met all requirements of the attached agreement, which was suggested as to form by the City Attorney. The Lions Club already signed the agreement. The agreement is brought to Council to approve the Mayor's signature. Note Section 9 which allows modification of the agreement to include the second phase of the project, the majority of the stairway below the first phase landing.

RECOMMENDATION

Staff recommends that Council motion to have the Mayor sign the agreement as presented.

AGREEMENT

THIS AGREEMENT is entered into by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter "City") and the Gig Harbor Lions Club (hereinafter "Lions Club") whose address is P.O. Box 331, Gig Harbor, Washington 98335.

RECITALS

WHEREAS, the City owns property at the Fuller Street end right of way at Franklin Avenue which extends to North Harborview Drive; and

WHEREAS, the area is currently a steep undeveloped hill located in a City park; and

WHEREAS, the Lions Club plans to fund, design and construct a staircase down the hill to be known as the Finholm View Climb; and

WHEREAS, the Lions Club intends to pay for the project with donations it collects and to build the staircase using a combination of skilled construction people and community volunteers; and

WHEREAS, the City will review the plans for a right-of-way use permit and then take possession and assume responsibility for maintaining the staircase after its completion; and

WHEREAS, the Lions Club has agreed to execute a hold harmless and indemnity agreement for the benefit of the City for any damages or injuries that might occur during the construction phase of the Finholm View Climb staircase; and

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the City and the Lions Club.

TERMS

Section 1. Permit. The Lions Club agrees to submit its design and staircase plans to the City for approval and issuance of a right-of-way use permit.

Section 2. Construction. If the City approves the permit, the Lions Club agrees to fund and construct the portion of the project identified in Exhibit 'A' using equipment, materials and personnel furnished by the Lions Club.

Section 3. Status of Lions Club. The Lions Club is an independent contractor and is not an agent of the City in the construction of the Finholm View Climb. All personnel, employees, contractors and subcontractors used by the Lions Club shall be volunteers, employees or contractors

and subcontractors of the Lions Club, and not the City of Gig Harbor, and shall have no claim against the City for compensation or other benefits available to City employees.

Section 4. Indemnification. The Lions Club shall defend, hold harmless and indemnify the City, its officials, officers, employees and volunteers from and against any claims, demands, penalties, fees, liens, damages, losses and expenses, including attorneys' fees and costs, for injury to persons or damage to property arising in connection with the performance of this agreement, until the staircase is conveyed to the City, except for injuries or damage caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Lions Club and the City, its officers, officials, employees and volunteers, the liability of the Lions Club shall only be to the extent of the Lion Club's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Lions Club's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

Section 5. Conveyance and Maintenance. Upon completion of the portion of the Finholm View Climb identified in Exhibit 'A' the Lions Club agrees to convey it to the City by written instrument, without cost. The City shall thereafter assume all ownership, control, maintenance and repair of the staircase identified in Exhibit 'A'.

Section 6. Insurance. The Lions Club shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons and damage to property which may arise from or in connection with the performance of the work hereunder by the Lions Club, its contractors, subcontractors, agents or representatives. The Lions Club shall provide a Certificate of Insurance to the City, which meets Right-of-Way Use Permit requirements.

The City shall be named as an additional insured on the Commercial General Liability insurance policy, as respects work performed by or on behalf of the Lions Club, and a copy of the endorsement naming the City as additional insured shall be attached to the Certificate of Insurance. The Lions Club's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim or suit is brought, except with respects to the limits of the insurer's liability.

The Lions Club's insurance shall be primary insurance as respects the City, and the City shall be given thirty (30) days prior written notice of any cancellation, suspension or material change in coverage.

Section 7. Interpretation and Enforcement. This agreement shall be construed in accordance with the laws of the State of Washington, and jurisdiction and venue of any disputes as to the terms shall be with the Pierce County Superior Court. The prevailing party in any litigation shall be entitled to its reasonable attorneys' fees and costs.

Section 8. Entire Agreement. The entire agreement between the parties with respect to the subject matter is contained in this Agreement. There are no verbal agreements between the parties to modify this agreement.

Section 9. Modification The parties may agree at any time to modify or amend this Agreement. Any such modification or amendment shall be in writing and shall be signed by the duly authorized representatives of the parties.

DATED this _____ day of _____, 1998.

CITY OF GIG HARBOR

THE LIONS CLUB OF GIG HARBOR

By: _____
Its: _____

By: *[Signature]*
Its: *Project Manager*

ATTEST:

City Clerk

APPROVED AS TO FORM:

GIG HARBOR CITY ATTORNEY

"Exhibit A"

The following is the work activity, sequence and estimated cost.

Engineer/Survey:

Alignment and elevation of all structures, the City
to provide a bench mark elevation for the curbs and back of
sidewalk along Franklin Ave.

Temporary Erosion Control:

Clear and grub site, including tree trimming:

Excavate for Plaza and Keystone wall @ elevation 45.0'

Minor Retaining wall @ Plaza elevation 45.0' 6 yds. Concrete

Keystone wall @ Plaza elevation 45.0' 190 sf

Drainage Type P 160 If
 Type D 108 If
 Type D6 62 If
 Add for hillside conditions
 Hand Work @ bank to daylight lower parking lot

Fine Grade site from top of bank @ elev. 45.0' to elev. 70.0

Water service and irrigation

Hydro-Seed from top of bank @ elev. 45.0' to elev. 70.0'

Excavate upper retaining wall

Concrete barrier wall, retaining wall, and ramp edge walls
(these walls are built from lower retaining walls up
toward Franklin Ave.) Approx. 50 yds.

Backfill, compact, excavate/grade, imported soil
(this activity occurs as concrete walls are completed
from the lower retaining walls up toward Franklin Ave.)

Viewing platform concrete piers Approx. 3.5 yds.



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: CITY HALL PAINTING - CONTRACT AWARD
DATE: AUGUST 5, 1998

INTRODUCTION/BACKGROUND

The 1998 budget provided for repainting City Hall. Price quotations for the work have been obtained in accordance with the City's Small Works Roster process (Resolution 411). The work includes surface preparation, and painting of the exterior wood surfaces, gutters, downspouts, deck, and railings. The price quotations received are summarized below:

<u>Vendor</u>	<u>Base Amt.</u>	<u>Sales Tax</u>	<u>Total</u>
Narrows Painting, Inc. (Gig Harbor)	\$ 7,000.00	\$ 560.00	\$ 7,560.00
Jones Painting, Inc. (Tacoma)	\$ 7,672.00	\$ 613.76	\$ 8,285.76
Long Painting Company (Seattle)	\$ 11,750.00	\$ 940.00	\$ 12,690.00

The lowest price quotation proposal received was from Narrows Painting, Inc., of Gig Harbor, in the amount of seven -thousand five-hundred sixty dollars and no cents (\$7,560), including state sales tax. They recently completed the painting work at Harbor Bank as a subcontractor, and were recommended by their reference.

FISCAL CONSIDERATIONS

The amount budgeted for this work is \$6,000. The lowest bid exceeds the budgeted amount of \$6,000 by 26%. Based on previous quotations received, and conversations with the responding painting contractors, lower prices are not anticipated this year. Funds are available for this work.

RECOMMENDATION

I recommend Council move and approve award and execution of the contract for City Hall Painting to Narrows Painting, Inc., as the lowest responsible respondent, for their price quotation proposal amount of seven-thousand five-hundred sixty dollars and no cents (\$7,560), including state sales tax.



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR *Wes Hill*
SUBJECT: PURCHASE AUTHORIZATION-HANDHELD METER READING DEVICES
DATE: AUGUST 3, 1998

INTRODUCTION/BACKGROUND

The 1998 budget provided \$15,000 for purchase of a handheld data collector and software for reading water meters. The handheld devices allow for faster and more accurate data capture, and more consistent route coverage.

Only two hand-held devices are marketed in this region, the Sensus (formerly Rockwell) and Badger. Only Sensus has units operating in this state, and demonstrated compatibility with the Eden Systems utility accounting and billing software used by the City and other public agencies in Washington. In addition, the Badger unit does not offer local support or a replacement unit within 24-hours as does Sensus.

Price quotations were obtained from both vendors in accordance with the City's Small Works Roster process for the purchase of equipment (Resolution 411). The price quotations are summarized below:

<u>Respondent</u>	<u>Unit/Manuf.</u>	<u>Base Amt.</u>	<u>Sales Tax</u>	<u>Total</u>
Western Utilities Supply Co. (Tacoma)	Sensus	\$ 10,676.24	\$ 896.80	\$ 11,573.04
Familian Northwest (Tacoma).	Badger	\$ 13,022.00	\$ 1,093.85	\$ 14,115.85

The lowest price quotation received was from Western Utilities Supply Co., of Tacoma, in the amount of \$11,573.04, including sales tax. Eden Systems has quoted a price of \$1,500 (based on 12-hours at \$125/hour) to incorporate the meter reading software into the City's system.

ISSUES/FISCAL IMPACT

Budgeted funds are available for purchase of the handheld data collector and software.

RECOMMENDATION

Staff recommends that Council authorize purchase of the Sensus handheld data collector and software from Western Utilities Supply Company, as the lowest responsible respondent, for their price quotation proposal amount of eleven-thousand five-hundred seventy-three dollars and four cents (\$11,573.04), including state sales tax.

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 8/03/98

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
(BY ZIP CODE) FOR EXPIRATION DATE OF 19981031

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 SMITH, JOYCE ANN	BASKETS TO GO 3717 101ST ST CT NW GIG HARBOR WA 98332 0000	080629	BEER/WINE GIFT DELIVERY
2 THE BARTELL DRUG COMPANY	BARTELL DRUG COMPANY #39 5500 OLYMPIC DR GIG HARBOR WA 98335 0000	077055	GROCERY STORE
3 THE GIG HARBOR YACHT CLUB	THE GIG HARBOR YACHT CLUB 8209 STINSON AVE GIG HARBOR WA 98335 0000	077100	PRIVATE CLUB - SPIRITS/BEER/WINE



STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD
1025 E Union • PO Box 43098 • Olympia WA 98504-3098 • (360) 664-0012

Notice to Local Authorities Regarding Procedure for Objecting to Liquor License Renewal

The attached list of liquor licensed premises in your jurisdiction will expire in approximately 60 days. The procedure for objecting to a license renewal is as follows:

- Fax or mail a letter detailing the reason(s) for your objection. **This letter must be received at least 15 days before the liquor license expires.**
- When your objection is received, our licensing staff will prepare a report for review by the Board. This report will include your letter of objection, a report from the Liquor Control Agent who covers the licensed premises, and a record of any past liquor violations. The Board will then decide to either renew the liquor license, or to proceed with non-renewal.
- If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The non-renewal of a liquor license may be contested under the provisions of the Administrative Procedure Act (as provided by RCW 66.08.150 and Chapter 35.05 RCW). Accordingly, the licensee may request a hearing before an administrative law judge. If a hearing is requested, you will be notified and required to present evidence at the hearing to support your recommendation. The Administrative Law Judge will consider the evidence, and issue an Initial Order for the Board's review. The Board has final authority to renew the liquor license, and will subsequently enter a Final Order announcing its decision.
- If the Board decides to renew the license over your objection, you may also request a hearing, following the aforementioned procedure.
- You or the licensee may appeal the Final Order of the Board to the superior court for judicial review (under Chapter 34.05 RCW).
- During the hearing and any subsequent appeal process, the licensee is issued a temporary operating permit for the liquor license until a final decision is made.

Please call me if you have any questions on this process. Thank you.

Sincerely,

Chuck Dalrymple
Manager, Licenses and Permits
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Attachment



City of Gig Harbor Police Dept.
3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-2236

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MITCH BARKER, CHIEF OF POLICE *MB*
SUBJECT: JULY INFORMATION FROM PD
DATE: AUGUST 6, 1998

The July 1998 activity statistics are attached for your review.

The Reserves provided 234 hours of service in July. This included 92.5 hours of patrol time, 57.5 hours administrative duties, 32 hours of training and 52 hours of Marine Services duties. Reserves assisted with a DUI emphasis, and the annual Art Fair. To date, reserve personnel have contributed 1,470 hours to the department.

The Marine Services Unit worked over 101 hours in July. This included 84 hours of patrol time, 3 hours in training, 13.5 hours of maintenance, and 1 hour of administrative duties. The officers took 11 dispatched calls, performed 25 inspections, issued five notices of infraction, and responded to one search and rescue call. There was also one arrest for Boating Under the Influence. The officers have continued the program of giving Dairy Queen certificates to children wearing life vests. This is a popular program.

The Explorers contributed 126 hours in July. This included 51 hours of training meetings and 75 hours providing security and service at three community events. The events were the Meadows Celebration, Gospel Music Festival, and Annual Art Festival.

We utilized the Bicycle patrol for 16 hours in July. This was mostly day patrol in the business areas, concentrating around the banks.



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GIG HARBOR POLICE DEPARTMENT

MONTHLY ACTIVITY REPORT

July 1998

	<u>JULY</u> <u>1998</u>	<u>YTD</u> <u>1998</u>	<u>YTD</u> <u>1997</u>	<u>%chg to</u> <u>1997</u>
CALLS FOR SERVICE	<u>521</u>	<u>2913</u>	<u>2304</u>	+ <u>26</u>
CRIMINAL TRAFFIC	<u>21</u>	<u>152</u>	<u>91</u>	+ <u>67</u>
TRAFFIC INFRACTIONS	<u>105</u>	<u>626</u>	<u>325</u>	+ <u>93</u>
DUI ARRESTS	<u>4</u>	<u>64</u>	<u>26</u>	+ <u>146</u>
FELONY ARRESTS	<u>9</u>	<u>38</u>	<u>41</u>	= <u>7</u>
MISDEMEANOR ARRESTS	<u>22</u>	<u>102</u>	<u>84</u>	+ <u>21</u>
WARRANT ARRESTS	<u>12</u>	<u>70</u>	<u>29</u>	+ <u>141</u>
CASE REPORTS	<u>127</u>	<u>804</u>	<u>636</u>	+ <u>26</u>
REPORTABLE VEHICLE ACCIDENTS	<u>18</u>	<u>95</u>	<u>82</u>	+ <u>16</u>