

GIG HARBOR CITY COUNCIL MEETING OF JULY 25, 2005

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Picinich, Ruffo and Mayor Wilbert.

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION: Franciscan Health Care – Saint Anthony’s Hospital. Mayor Wilbert introduced Dr. Mike Newcomb, Senior Vice President of Medical Affairs, Franciscan Health System. Dr. Newcomb said he would like to give an update on the status of Saint Anthony’s Hospital and the impact of the recent traffic study on that project. During his PowerPoint presentation, Dr. Newcomb gave an overview of the need for a hospital and the site selection considerations. Dr. Newcomb explained that the goal is to serve not only the people of Gig Harbor and the Peninsula, but also the people in the South Kitsap region. He touched on the traffic challenges that must be overcome and gave a brief description of the preliminary site plan. Dr. Newcomb finalized his presentation by sharing information on the Certificate of Need for the hospital, emphasizing that the construction budget and site are fixed at the time application is made for the certificate. He concluded by saying that the two-year time frame to construct the hospital will be initiated at the time the Certificate of Need is issued. This is tied to the Conditional Use Permit issuance. He then introduced Lori Nichols, Senior Vice President of Strategic Development for Franciscan Health Care.

Ms. Nichols continued the presentation with an overview of the events that have taken place since July 1, 2005 and the impacts on the proposed St. Anthony’s Hospital project. She said that the city’s traffic study has uncovered future traffic problems in the Gig Harbor North area, and the Environmental Impact Study required by the city for the Comp Plan Amendment may cause significant delays in the hospital project. She pointed out that the study identifies nine pipeline projects that will cause the failure of major intersections in this corridor even without the hospital. She discussed the potential traffic solutions identified in the study which could cost more than 40 million dollars and paid for by future development. She stressed that they are willing to pay their fair share for mitigation, and the recommendation by the city that they pay 10-11% of the total cost suggests that the hospital will only be a modest contributor to the future congestion. Ms. Nichols continued to explain that delays will make it harder for the hospital to be financially sound, and while they wait, competitors will come forward with duplicative outpatient services. They also count on St. Anthony’s to take the pressure off the Tacoma hospitals and are looking at all options to bring the hospital to Gig Harbor. All sites have traffic challenges, and if they have to go back to the Department of Health for an amendment to the Certificate of Need approval, it may open it up to appeal. To date, they have invested around 5 million dollars in the project which would be difficult to recoup.

Ms. Nichols said that the traffic problems are a community issue, and one solution may be the formation of a transportation benefit district that would require the participation of all current and future property owners that would benefit from the traffic improvements. This will take significant time and commitment from city staff and Franciscan Health Services, adding that they are willing to help front the costs for consultants to find and implement a traffic solution. These costs could then be deducted from their share of the mitigation to fix the corridor. Ms. Nichols thanked the City Council and the citizens who have helped St. Anthony's, and asked for help in finding a solution to the traffic problem in Gig Harbor North to allow the hospital to move forward as quickly as possible. She recommended the appointment of a citizen task force to work with Council to monitor the progress until this can be resolved.

PUBLIC HEARING: Planning Commission Recommendations for Changes to Building Sizes.

Mayor Wilbert opened the public hearing at 7:35 p.m. and John Vodopich, Community Development Director gave a brief overview of the changes that have been made to the ordinance since the first reading.

Jim Pasin – 2710 39th St. NW. Mr. Pasin, speaking as a citizen rather than a Planning Commission or Design Review Board member, asked for clarification on the direction given to staff to modify the development standards for the WC zone to require 20 foot separation between structures in the Finholm District only. He said that this doesn't seem to fit the current buildings.

Councilmember Dick said that discussion took place in favor of separation of structures in the WC zone. But in areas where the WC zone abuts the DB zone, and in the Finholm Marketplace portion, separation between buildings should not be required. This language did not show up in footnote 3 of the ordinance; an error that would need to be corrected.

Chuck Hunter – 8829 Franklin Street. Mr. Hunter suggested that garages be included in the gross floor area calculations until this issue could be reviewed by the Planning Commission and they could develop a definition of "underground." He then said that Clark Davis and Jill Guernsey have both suggested language for a grandfather clause to address the non-conforming buildings on Harborview. He recommended that Council adopt the ordinance with the exclusion of these buildings, and allow the moratorium to run until verbiage could be developed to address grandfathering. He suggested that Council may wish to hire an outside attorney that could draft the language.

Councilmember Franich asked if the Planning Commission had considered the grandfather issue at their last meeting. John Vodopich responded that an ordinance has been drafted and will be returning to Council for consideration after the 60 day review period by the Department of Ecology.

Jim Orton – Attorney. Mr. Orton represents various property owners in the district being considered. Regarding the grandfathering clause, he said that he has read the proposed amendment to the Shoreline Master Plan and recommended that this same language be used in the draft ordinance. He said that the 50% destruction language would be too difficult to regulate.

Carlos Moravek – 3889 Harborview Drive. Mr. Moravek spoke in favor of allowing the condominium owners to rebuild in case they are destroyed by disaster. He asked if the Edgewater Condos are located in the Waterfront Commercial zone, and how language located in Section in 17.50.040 affects them. Councilmember Young responded that the condos would be non-conforming, but that the upcoming ordinance currently under state review will address his concerns about rebuilding.

Mr. Moravek then said that he has spoken to several lawyers and judges who told him it would be possible for a clause stating that any building constructed after 2005 would have to meet the criteria, and anything built before 2005 could maintain its current size. This would be a simple fix.

Councilmember Dick asked if the draft ordinance is available on the city's website for the public to view. Mr. Vodopich clarified that it is attached to the Planning Commission's last meeting agenda.

Mr. Moravek pointed out that during the private consultant evaluation, multi-family dwellings were not considered; only single-family. He added that condominiums offer affordable housing on the waterfront, which is beneficial for the community.

Richard Wimpy – 3724 Forest Beach Drive. Mr. Wimpy, owner of one of the Edgewater Condominium units, said that it is vital to clarify the language to protect the condo owners. He said that it is absurd to think that a condominium could burn down and not be replaced. He stressed that Council must come to the decision to have a grandfather clause to protect the present owners and perhaps set a time on old and new construction as suggested by Mr. Moravek. He equated the inability to rebuild as a license to "put a gun to their head and steal their property."

Councilmember Ruffo stressed that this Council is in full agreement with grandfathering and made a decision several months ago to address this issue. It is the bureaucratic process that is being dealt with.

John Vodopich said that the non-conforming ordinance will be brought forward at the next Council meeting, and when the draft for the Shoreline Management Program is approved, it will then be referred to the DOE. He said that he saw no reason not to adopt the non-conforming language to the zoning code at its second reading in August.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton presented a PowerPoint presentation. She explained that the WC, WM and WR zones are in the designated Historic District; most of the structures here are over 50 years old and share common

architectural characteristics. She said that in order for new construction to “fit in,” you need to look at the existing neighborhood and stay within the existing patterns of development. She said that this could include many visual features including size. She added that past testimony will show that those who own property on the waterfront are in favor of a conservative limit in the WR and WM zones. Other than the need for a grandfathering clause for multi-family structures, the 3500 s.f. limit proposed by the Planning Commission was “not unpopular,” and based on what exists in the Historic District, “not unreasonable.” She asked Council to listen to the people who live in the Historic District, adding that her family is in favor of the 3500 s.f. limit in the WM and WR zones. If the limit is raised, there will be pressure to build bigger and more profitable projects along the waterfront which will destroy the view corridor. She then addressed garages, saying that no size limit for underground parking garages contradicts over ten years of Design Review Board findings, as garages were interpreted as part of the total square footage. She said that there is a perception of a huge parking problem downtown that can be solved with underground parking and asked “What if the downtown cannot handle more trips per day?” She said that more cars downtown may increase gridlock and decrease air quality. If the downtown is to be truly enhanced long term, the answer may be to aggressively pursue transportation alternatives. She suggested saying no to oversized parking garages, oversized homes, and to overdevelopment or overuse of any property in the view basin. Ms. Stanton recommended passing a 3500 s.f. limit in the WM and WR zones, and to include garages in the square footage calculations for every zone in the downtown. She continued to recommend keeping the moratorium in place until the desired language for grandfathering could be developed to protect what we have.

Councilmember Franich asked Ms. Stanton if the square footage numbers she used included basements. Ms. Stanton explained that these are the numbers listed on the tax parcel records.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich addressed grandfathering, and recommended that anyone whose structure burns, regardless of the amount, if they apply for a permit, should be allowed 18 months to rebuild rather than trying to figure out the percent of damage. Mr. Bujacich then said that he supports the 3500 s.f. maximum building size, including the basement. This will retain what we have in this area, and anything larger will ruin what we have downtown.

Linda Gair – 9301 North Harborview Drive. Ms. Gair said that she agreed with what was said by Ms. Stanton and Mr. Bujacich. She said that the whole point is to protect the character of the downtown and the harbor. No one wants to see the trophy homes that have been appearing across the by in the downtown area. If residential structures are not limited this will happen, especially on property with adjoining lots. She said that limiting the structures to 3500 s.f., including the basements, is the right thing to do. Ms. Gair then addressed the grandfathering; explaining that she lives on the water and her house is non-conforming. If it were to be destroyed, she would have a problem, and so she can sympathize with the others. She said that they should be allowed to rebuild.

Doug Sorenson – 9409 North Harborview Drive. Mr. Sorenson said that he disagrees with the recommendation for smaller limits. He said that he believes in property owner's rights. He stressed that Gig Harbor is becoming more restricted and regulated than any city west of the Cascades. He asked whether the 4000 s.f. limit in Section 6, for the WR zone is for the residence only or if it also includes any accessory structures. Councilmember Young clarified that it reads "per lot" and so that would mean everything on the lot.

Mr. Sorenson then said that inclusion of outbuildings to the total calculation is ridiculous, especially if that number is reduced to 3500 s.f. He then addressed comments made by Ms. Stanton. He said that his house is not 50 years old and that most of the examples she has shown are not representative for his area. He asked Council to consider what it would look like to have a small house on a larger lot. He then asked Council to consider factoring in daylight basements, and to completely eliminate undergrounded basements from the calculations.

Councilmember Ekberg asked the square footage of Mr. Sorenson's home. Mr. Sorenson replied that it is 2000 s.f. with a garage.

Rosanne Sachson – 3502 Harborview Drive. Ms. Sachson recommended that Council look at the harbor from the water side before making a decision on underground garages and daylight basements. She said that her house has the smallest square footage, but is the tallest; adding that it all depends on the topography of the lot.

There were no further public comments and the public hearing closed at 8:17 p.m.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of July 11, 2005.
2. Correspondence / Proclamations: a) AWC Loss Control Report Card.
3. Burnham Drive Sanitary Sewer Main Project – Consultant Services Contract.
4. Transportation Improvement Board Grant Application Preparation and Intersection Warrant Analysis – Consultant Services Contract.
5. Special Services Agreement with Pierce County Sheriff's Department.
6. Liquor License Renewals: Gig Harbor Yacht Club.
7. Gambling License Issuance: Sunset Grill; Tanglewood Grill; Old Harbor Saloon.
8. Approval of Payment of Bills for July 25, 2005:
Checks #4766 through #47081 in the amount of \$430,409.58.

MOTION: Move to approve the Consent Agenda as presented.
Picinich / Ruffo – unanimously approved.

OLD BUSINESS:

1. Presentation - Gig Harbor North Traffic History and 2005 Preliminary Traffic Findings. John Vodopich, Community Development Director, explained that a representative from David Evans and Associates was present to speak to the

preliminary traffic findings reached in the June 30th report. Mr. Vodopich then presented a PowerPoint presentation that outlined the history of traffic improvements that have been made in the Gig Harbor North area.

Councilmember Franich asked for clarification on the existing traffic capacity reservations and how many trips had been projected that the roadway could handle. Mr. Vodopich responded that at the initial design, the ten to twelve thousand trips estimate was utilized, using the design configuration of a two-lane cross section with single-lane roundabouts. Councilmember Franich commented that it appears that someone used the wrong numbers and asked what the total number of capacity reservations equals. He said that he is trying to determine how the situation came about.

Mark Hoppen, City Administrator, said that a better analogy would be why the capacity was reserved in this way. He explained that in 1996, as negotiations took place with the three big properties that formed the Pre-annexation Agreement, they wanted assurance that capacity would still be available for their share of investment. It was agreed that there could be a risk of the capacity being used up by background trips from people traveling to Crescent Valley or 144th. It was decided that their participation would guarantee a certain amount of trips associated with their properties. The Tucci property owners decided not to participate as they were located on Canterwood Boulevard rather than Borgen Boulevard. This occurred before the first design to build a one-lane roundabout and two-lane roadway. With each new development; improvements have been made to the design. Each time a new traffic impact analysis is completed, it becomes a snapshot in time with the best available data. Conditions have changed, and background trips have changed.

Councilmember Franich said that he questions whether the Pre-annexation provision for traffic capacity was a good idea. He read from the memo by Rob White, Planning Manager, which discusses the anticipation that the flow of traffic on Borgen Boulevard would degrade at a "somewhat unknown" schedule. This lack of certainty is what generated the Pre-Annexation Agreement provision for the reservation of traffic capacity. Councilmember Franich said that in one of the conclusions, DEA recommends reconstruction of the whole interchange, and he wants to make sure that the same mistakes in calculations are not made.

Mr. Hoppen clarified that at that time, people of good intention did their best to anticipate what might happen. That analysis has changed over time and will continue to change. The broader analysis will occur when the Comprehensive Plan update is done.

Councilmember Ruffo recommended hearing the David Evans & Associates presentation to find out what is the reality today.

Victor Salemann, David Evans & Associates, described the team who worked together to develop the traffic analysis and the scope of work. Mr. Salemann gave a summary of the possible impacts of the hospital project to the infrastructure. He explained that it would be helpful to have additional data that more closely relates to how an 80-bed

hospital / medical center operates. He clarified that the estimated trip generation for the hospital is still less than the maximum potential under the current zoning. Using a PowerPoint presentation, Mr. Salemann illustrated the present traffic impacts on the Borgen Boulevard / Highway 16 Interchange, how the future traffic may appear with the projects currently in the pipeline, and traffic with the addition of a hospital.

Councilmember Franich asked if using low numbers in the ITE prediction or functionality of the intersection is causing the predicted backups. Mr. Salemann explained that it is likely a combination of several things: that the single roundabout has a limited capacity, that retail was more successful than was anticipated, and the level of background traffic estimated in 1997. He stressed that traffic engineering is more art and science mixed together rather than engineering and that it is very difficult to predict. Councilmember Franich said that no one ever seems to err on the side of over-capacity and that during the initial phase of planning the Gig Harbor North area; traffic should have been over-estimated to prevent this critical problem.

Councilmember Ruffo responded that it appears that Mr. Salemann has taken a relatively conservative approach by over-estimating what might occur at these interchanges. Councilmember Franich said that all the factors should have been considered to avoid the problem. Councilmember Ruffo suggested focusing on future options.

Councilmember Dick asked for clarification on concurrency, and which issues would have to be resolved concurrently in order to accommodate the hospital project. Mr. Salemann explained that concurrency according to GMA allows a six-year window to correct problems after a project is constructed. You must either solve the problem or have a financial strategy in place to demonstrate you can solve the problem within six years. He added that you are not responsible to correct all state facility problems under GMA, but you are responsible to report to them the impacts of land use decisions. This is where the SEPA review comes in, and under the Environmental Policy Act, DOT can appeal SEPA decisions that create significant impacts on their facilities.

Councilmember Dick then asked which funded solutions would accommodate the hospital project. Mr. Salemann responded that funding is described as a "financial strategy" which could be a commitment to an impact fee or transportation benefit district that could collect enough to do the project within six years. The other options would be to adjust the level of service standard to level F, or to delay, or to stop development.

Councilmember Dick asked for recommendations on how to get all the agencies together to fund this within the six-year window in order to move forward. Mr. Salemann asked if Council wished to have recommendations for a solution for just this snapshot, or for what has to be done to accommodate the rest of the vacant land. This would allow you to spread the project cost among more participants.

Councilmember Franich said that if you come up with a strategy to be implemented within the six-year window, and the conditions change, you may not be able to meet the strategy.

Councilmember Ekberg thanked those present from Hammes for their presentation and for recognizing that they have chosen a difficult site. He explained that a hospital is an extremely important aspect of our future, but that the city has a responsibility to the citizens to prevent a Level F service. He suggested that the Mayor appoint a committee to include Councilmembers and the County to work on a fast-track basis to focus on finding a solution.

Councilmember Picinich and Ruffo agreed that time is important and the committee should be formed as quickly as possible.

Mark Hoppen suggested inclusion of not only the County, but David Evans & Associates and WSDOT in the committee. He explained that to date, the city has been unsuccessful in gaining responses relative to this issue from the State.

Councilmember Young explained that he had attended the hospital meetings and there has been discussion with County Councilmember Terry Lee regarding county participation. He said that the other Gig Harbor North property owners are very supportive and should also be included. Right now, there are two or three funding options including the transportation benefit district mentioned by Hammes. Any solution will take coordination and effort to make it work.

Councilmember Franich said he had nothing against those Councilmembers who had been working on this in the past, but suggested appointing Councilmembers with new ideas and a fresh approach to be involved.

Councilmember Young asked to suspend the rules and allow public comment at this time. The Mayor asked that the public keep their comments to three minutes.

Pat Lantz, State Representative - 26th District – 151 Raft Island. Representative Lantz stressed that there is a whole community of people of good will who want a hospital and are determined to solve this problem. She said that she too wants a hospital, and is a link to support that this project can call upon, the State of Washington. She said that she has been in contact with Mark Hoppen and Lori Nichols to do whatever she can in regards to the Department of Health and the continuation of the Certificate of Need without the necessity for an amendment. Representative Lantz mentioned that the recent initiative efforts have made it on the ballot in November, and may make things more difficult if it is passed. She said that she is optimistic that this is something that can be resolved. She offered to serve on the committee as a Representative of the 26th District.

Derek Kilmer, State Representative – 26th District. Representative Kilmer explained that he is wearing two hats as State Representative and as Business Retention and

Expansion Manager for the Economic Development Board for Tacoma/Pierce County, both of which are supportive of the proposed hospital project. Representative Kilmer mentioned the public health benefit of having a hospital, but also the jobs that would come with a hospital. He said that there is unanimous support for this project and that he is willing to help in whatever way that he can in either of his capacities. He said that he too has spoken with Mr. Hoppen, members of Franciscan, and members of Council offering his services, adding that there are some options for state resources available. He said that he looks forward to being part of the discussion.

Jill Guernsey – 3224 Shyleen Street. Ms. Guernsey said that she is both sad and happy about what she has heard tonight. She explained that she is sad that staff continues to be intent on finding someone else to blame for this, and they continue to blame the prior property owner and anyone else they can. She said that this is unfortunate, but she is happy that Council has taken the leadership to pull together a group that consists not just of city people, but of other individuals who represent other agencies. The presentations have shown that this is a regional traffic issue. She encouraged Council to stay involved and to stay in charge to keep the leadership shown tonight front and center because that is what it is going to take from the city to get through this.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich said that he is a long-supporter of the hospital, but he doesn't understand this situation. He said that the city should have had an overall plan for the entire area, and that everyone should pay an equal amount for the future. He said that if you build the plan presented tonight, before it is completed it will be inadequate because of all the housing on Peacock Hill going in. He suggested taking Burnham Drive and tying it into Borgen Boulevard across the powerline to relieve the congestion on the roundabout. He said another area to consider is to come off Highway 16 at 302 and cut across by the county shops to Canterwood Boulevard. He said that there has to be alternative ingress and egress to the site. What is being planned will not work, as Costco will create too much traffic. He added that he spent many years on the County Administration Board providing dollars for County roads.

Mayor Wilbert asked Mr. Bujacich if he would serve on the committee. He answered yes.

Terry Lee – County Councilmember representing Gig Harbor and the Key Peninsula. Councilmember Lee said he was present to offer Pierce County's support and the resources available to his office to help solve the problem. He explained that they are faced with a \$650 million shortfall in transportation projects over the next 20 years, but he would pledge to bring the County to the table if an UGA expansion is necessary, or if a transportation benefit district is formed. Councilmember Lee offered to serve on the committee and offered to bring in someone from the Pierce County Transportation Department to help strategize potential solutions. Councilmember Lee finalized by saying that after watching the presentations, he is wondering if a roundabout at 36th and Pt. Fosdick is an appropriate solution as well as the other one planned at Pt. Fosdick and Stone Drive.

Florice Johnson – PO Box 1333. Ms. Johnson said that she lives near Point Fosdick where the new roundabout is being constructed. She said that the hospital should come first in all considerations. She said that she attended the hearings for Costco and commented that people are naive to believe that this project will not clog the roads. She asked if there is some rule that would allow the hospital to have priority over the other projects, adding that she would rather be stuck in traffic to go to St. Anthony's rather than having to go over the bridge to hospitals in Tacoma. She then explained that being from Europe; she has driven through many roundabouts which handle far more traffic than we have here because they are much larger. She mentioned twelve lane roundabouts in Paris and eight to ten lane roundabouts in Mexico that work very well. She suggested studying these and applying the information here.

Jon Rose – Olympic Property Group – 19245 10th Ave NE, Poulsbo. Mr. Rose said that they have a large stake in this project; have paid for a good chunk of the capacity. They have invested in sewer and water lines, and have a lot to lose. They also have a lot on hold. He explained that he is very interested in serving on the committee, and his organization is willing to step up both in terms of finding a solution, being part of the funding solution, and asking only for reasonable fairness. He said this moment in time is special in terms that the solution will require both private and public funds as it is too big for either side. He encouraged a transportation improvement district that includes both sides of the freeway. This would be anyone who is a tributary to that intersection including unincorporated Pierce County, OPG's own property, and the other several hundred acres in Gig Harbor North. He stressed that now is the time due to the sense of urgency which may galvanize some action.

Mayor Wilbert invited Mr. Rose to serve on the committee.

Dale Pinney – 8313 Boundary Way, Edmonds. Mr. Pinney addressed why and how the current roundabouts were constructed. He explained that his development had funded all the improvements to the two lane roadway and the single-lane roundabout, stressing that the improvements to the corridor were chosen for the level of development to go in. As additional development occurs, these new uses need to develop the corridor to the required level for the traffic that they anticipate. He said that he is in favor of the hospital proposal and the Harbor Hill and Costco developments, as long as the corridor can handle it. Mr. Pinney discussed when he was before Council a year and a half ago trying to explain his opinion of what type of development the corridor could handle. Council in turn chose a much larger project. He said that as of today, the corridor is not broken, but the comp plan amendment hasn't been done for the hospital, and the rezone hasn't been done for the other developments, so it is up to Council to decide whether this amount of development can be placed in that corridor. He said that his first reaction to a hospital project was that it would be great, but then he wondered what would happen with all the cars and how an ambulance would get across the roundabout.

Mr. Pinney then responded to the question of “How did we get into this situation?” He stressed that we are not in “this situation” yet. The decisions that were made by the staff, Council and developers back in 1997 were based on the original land uses, and those land uses are still in place. As the city enters into discussions to find ways to fund the apparent need for improvements to the additional infrastructure, he hopes that properties that are developing as they were already zoned shouldn’t get drug into an area -wide traffic mitigation. Mr. Pinney described the improvements that they had made which were commensurate for their own development. He asked Council to keep in mind that the other developments should do the level of mitigation that is appropriate for their own projects.

Linda Gair – 9301 Harborview Drive. Ms. Gair also commended Dale Pinney and John Rose for doing their part in developing Gig Harbor North. She said that they stepped forward and put out the money and that she expects the hospital to do the same. She said that when Gig Harbor North was created, the city created a regional center that is accessing 100,000 people, not just the little group that lives here. Ms. Gair said that if all the players are to be brought to the table, we should also include Kitsap County.

Mayor Wilbert asked if Jill Guernsey would be willing to serve on the committee, as the “Town-around Bus Chairperson,” and a land use attorney, adding that bussing may be a transportation solution in these areas. It was pointed out that as a Mayoral candidate and member of the Planning Commission, this may not be appropriate.

The Mayor called a recess at 9:37 p.m. Council reconvened at 9:48 p.m.

2. Second Reading of Ordinance – Adopting Finding and Facts Supporting the Continuation of a Moratorium on the Acceptance of Applications for New Development of Non-Residential Structures or Certain Types of Re-Development on Non-Residential Structures in the Waterfront Millville Zone for a Period of Two Months. John Vodopich presented this ordinance supporting the continuance of the moratorium until July 31st. He added that the act of terminating the moratorium must be done by ordinance.

MOTION: Move to adopt Ordinance No. 1007 as presented.
Dick / Ruffo – unanimously approved.

3. Second Reading of Ordinance – Limiting the Size of Structures in the Waterfront Zones. John Vodopich gave an overview of the changes made since the first reading of this ordinance that will establish building size limitations in the WR, WM and WC zones.

Councilmember Conan commented that the two biggest issues have consistently been garages and how to work with multi-family / non-conforming building sizes. He thanked the Planning Commission for their work. He said that although he likes the concept of underground garages and basements, he is not comfortable with the ordinance as it reads. He recommended that the Planning Commission take this issue and further define underground garages and/or basements.

MOTION: Move to adopt Ordinance No. 1008 amending 17.04.360, Gross Floor Area, to include basement space and to add garage space before the words "elevator shafts." At the bottom of that paragraph, **strike** the final sentence "The gross floor area shall include basement and garage space unless they are constructed completely underground."
Conan / Dick –

Councilmember Young suggested adding the DB zone to the recommendation for the Planning Commission to review. Councilmember Conan said that his recommendation is for consideration of all zones. Councilmember Dick offered an amendment to the ordinance.

MOTION: To amend Section 17.50.040 Footnote 3 regarding separation between structures in the WC District so that it reads "Separation between structures is not required upon lots or parcels in the Finholm Marketplace portion of the WC District which contains multiple structures and/or which abut the DB (downtown business) district. This amendment reflects what was discussed and was intended per the staff report.
Dick / Ekberg – unanimously approved.

Councilmember Dick then offered an amendment to address the concern with the increase in the maximum gross floor area size.

MOTION: To amend Section 6, 17.46.040 – WR Development Standards, to reduce "I" from 4,000 to 3,500 in each column.
Dick / no second - the motion failed.

Councilmember Franich commented that this is a tough issue for him as he has a hard time supporting residential limitations. He said that he can see the positives, and appreciates Councilmember Conan's amendment, as it makes sense. He said that he hopes there will be enough votes, quite possibly, with his voting no, to carry this through. He continued to say that it is important to make the right decision but it is important to have consistency with your decisions.

MOTION: Move to adopt Ordinance No. 1008 amending 17.04.360, Gross Floor Area, to include basement space and to add garage space before the words "elevator shafts." At the bottom of that paragraph, **strike** the final sentence "The gross floor area shall include basement and garage space unless they are constructed completely underground" and including the amendment to language in Section 17.50.040 Footnote 3.
Conan / Dick – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Allowing Recovery of Emergency Response Costs and Authorizing the Creation of a New Fund for Acceptance. Mike Davis, Chief of Police, presented the background information on an ordinance that will allow the city to recover investigative costs associated with the emergency response to certain types of crimes; specifically, driving while under the influence of alcohol or drugs. He explained that the law has been around since 1993, and most agencies have adopted the law which creates a revenue source allowing the creation of a fund for criminal justice issues. Chief Davis offered to answer Council questions.

Councilmember Dick asked if a similar process would be established for false burglar alarms. Chief Davis explained that this misuse of police services is being addressed in a separate program.

Jim Pasin – 2710 39th Street. Mr. Pasin asked why the funds recovered would not be used to offset officers' salaries. He voiced concern that the city is using salary dollars to collect the fund, and then putting the money in another pot for other expenditures. He said that he was alarmed by Councilmember Dick's comment about doing something similar for false alarms.

Councilmember Dick asked Mr. Pasin if he thought it would be more appropriate to put the money back in the General Fund, to which Mr. Pasin responded yes, the funds should go back toward the officers' salaries because of the activity. Councilmember Young responded that the way it is set up, the funds would go back into criminal justice rather than being spent on parks or other uses.

Chief Davis clarified that the statute is set up so you cannot supplant, but focuses the use of the funds strictly to criminal justice. This shifts the burden of police response to the individuals creating the response rather than the members of the community.

Mark Hoppen, City Administrator, addressed the question by Councilmember Dick regarding the budget. He clarified that the statute creates the budget line item.

STAFF REPORT:

1. David Rodenbach, Finance Director – Quarterly Finance Report. Mr. Rodenbach presented the quarterly financial report and offered to answer questions.

PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT: None.


ANNOUNCEMENT OF OTHER MEETINGS:

Council Retreat – August 8, 2005. Civic Center Community Rooms A & B at 12:00 noon.

ADJOURN:

MOTION: Move to adjourn at 10:11 p.m.
Franich / Ruffo – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 20.
Disc #2 Tracks 1 – 17.
Disc #3 Tracks 1 – 11.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk