

GIG HARBOR CITY COUNCIL MEETING OF JANUARY 12, 2004

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

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE:

SWEARING IN CEREMONY:

Mayor Wilbert performed the ceremony for Bob Dick, Jim Franich and Paul Conan to serve four-year terms as City Councilmembers.

PUBLIC HEARING:

Zoning Text Amendments to Allow Structural Changes to Non-Conforming Signs.

Steve Osguthorpe, Planning / Building Manager, gave an overview of the process leading up to this public hearing. He explained that the process began with three alternative ordinances proposed by Courtesy Ford to allow structural changes to non-conforming signs which were reviewed at a public hearing. At that time, staff proposed an alternative draft ordinance whose intent was to address both the needs of Courtesy Ford and staff concerns. Council directed staff to bring back the alternative draft ordinance for a public hearing before Council, scheduled for this evening. Councilmembers also agreed to honor the request by Mr. Dick Settle to include the original three proposed ordinances at this same hearing. For consideration at this public hearing are four separate ordinances that would amend the city's non-conforming sign provisions. Mr. Osguthorpe gave a brief description of each of the proposed ordinances.

Jeff Taraday – Foster, Pepper and Scheffelman, 1111 3rd Ave #3400, Seattle. Mr. Taraday explained that he is present on behalf of Courtesy Ford and to answer any questions that Council may have in respect to Courtesy Ford's position. He reiterated that Courtesy Ford does want to stay in Gig Harbor, but that this is an issue that needs to be resolved in order for them to continue to do business here. He said that Courtesy Ford is willing to remove two of the four non-conforming signs on the site and to make one of the two remaining signs conforming. The issue is whether the sign code can be amended to allow one additional free-standing sign. Mr. Taraday explained that Courtesy Ford could not run a successful dealership without having the two separate signs for used and new vehicles. The tall pole sign is important for visibility from SR-16. He said that it is his understanding that this is one of the last Ford dealerships in the state that has not implemented the new Ford logo and sign scheme. He added that he understands that the City of Gig Harbor prides itself on its aesthetic sensibilities, and that this is a considerable dilemma for Council, but sometimes aesthetic considerations run head-on into business considerations and revenue considerations for the city. That is one thing that Council needs to weigh when deciding whether the sign code is too restrictive in comparison to others in the state.

Councilmember Dick said that Mr. Settle had indicated that Courtesy Ford could come into compliance with the corporate logo requirements with a monument sign that also conforms to the city's code. Mr. Taraday explained that the existing sign code would not allow for two monument signs, one for used and one for new vehicles, which is a preference by the corporation. It also doesn't answer whether a monument sign would bring in customers. That is his client's reason for concern.

Councilmember Ruffo asked what the problem was with the existing sign other than it isn't the new Ford logo. Mr. Taraday said that other than the corporate logo, he isn't sure there is another issue. The corporate issue is significant to the client and the national corporation can make it difficult on dealers that do not comply with the new logo. The old signs send the wrong message.

Mayor Wilbert mentioned the appeal of the Ford monument sign and surrounding landscaping that she had seen in Olympia. She continued to explain that the past experience with the sign code is that revenues are still increasing for the businesses that have conforming signage.

Councilmember Dick discussed the compromise of allowing the sign-face to be changed without the shroud on the pole. He said that it was difficult for him to understand why it was unacceptable. Mr. Taraday said that the shroud is a more pleasing look and doesn't lend any advertising advantage. He said that it is before Council to make those aesthetic determinations. He said that he didn't believe that Courtesy Ford would have a problem with the national corporation over the shroud option. He said that he and his client think that the shroud makes the sign and the dealership more attractive and will allow the sign to look like other Ford dealers. The shroud is secondary to the other issue of being able of having two free-standing signs.

Councilmember Picinich said that he prefers the option without the shroud. Mr. Tarady explained that it is aesthetics and what the Council wants the city to look like. If some non-conforming signs will be allowed, and if some modifications of these signs are to be allowed, then what should they look like?

Councilmember Franich asked if the square footage of the sign face in option one is comparable to the square footage of the face in the existing sign. Mr. Tarady said that the oval is smaller than the existing sign in terms of square inches. He said that it is important to distinguish between the size of the sign face and the sign base. He clarified that if he had to prioritize his client's needs, the shroud is slightly less significant than the other issues.

There were no further comments from the public and the hearing was closed at 7:43 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 December 8, 2003.
2. Correspondence:
 - a) Letter from Rep. Lois McMahan in Support of Hospital.
 - b) Letter from Rep. Pat Lantz regarding Narrows Bridge Project.
3. Amendments to City Council Minutes of June 9, 2003.
4. Communications Maintenance Contract.
5. Appointment to Council Committees.
6. Lobbyist Contract.
7. Pioneer Way Watermain Replacement Project – Bid Award.
8. Canterwood Sewer Request.
9. Sanitary Sewer Facilities Maintenance Agreement – 3519 56th St. Professionals, LLC.
10. Liquor License Renewal: El Pueblito Restaurant.
11. Approval of Payment of Bills for December 22, 2003.
Checks #41940 through #42072 in the amount of \$301,284.75.
12. Payment of Bills for January 12, 2004.
Checks #42073 through #42195 in the amount of \$354,183.43.
13. Approval of payroll for the month of December.
 Checks #2960 through #3006 and direct deposit entries in the amount of \$239,439.90.

MOTION: Move to table Consent Agenda Item 5.
 Dick / Ekberg – unanimously approved.

MOTION: Move to approve the consent agenda as amended.
 Ruffo / Picinich – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Zoning Text Amendments to Allow Structural Changes to Non-Conforming Signs. Steve Osguthorpe, Planning / Building Manager, explained that he had not additional comments from his introduction during the public hearing.

Councilmember Ruffo asked for an opinion of what would occur if the city modified the existing sign code relative to setting precedent.

Mr. Osguthorpe said that one of the concerns that has been discussed is what is occurring regionally with the change in preference by car dealers to have freeway frontage, using Fife as an example. This leaves dealers in other communities struggling to compete. This has led to a change in the freeway corridors. He continued to explain that his concern is we have already seen a significant change to the sign code with the elimination of the amortization clause. Each change move the city toward the model that you see in other jurisdictions. He explained that it would set a precedent and once someone sees a pylon sign such as the Ford sign go up, it may be understood that

these are acceptable in Gig Harbor. He said that it important to be aware of the public perception.

Councilmember Franich asked if the dealer was allowed to stay within the same square footage of the sign, if it would still lead to this perception. Mr. Osguthorpe explained that the code would allow them to change the sign face and it would not be problematic in the public eye. If they change the face, there is no change in the mass bulk, and it would bring the sign closer to conformance. The sign would be equally readable, but not quite as luminous.

Mr. Osguthorpe continued to clarify that the dealer would be allowed to create a panel with the oval design that would fit into the semi-rectangular frame, but they are not allowed to change the structure.

MOTION: Move to take the staff recommendation and not make any changes to our current sign code at this time.
Ekberg / Ruffo –

Councilmember Ruffo said that he understands that this was debated at great length by the previous Council, and that this Council is trying to protect the aesthetics of the city. He said that he debated this himself as he understands corporate life, but is also concerned with the greater needs of the harbor and the original intent of the code.

Councilmember Paul Conan explained that he has seen many changes since it was before the Planning Commission. He added that he still supports the fact that the new logo can be incorporated under the current code. It can meet all the requirements without making any changes to the code and setting any precedence.

Councilmember Young asked if it would be possible to establish a process for the Design Review Board to review proposed changes for conformity. He said that it isn't appropriate to make city-wide changes to the code to address one particular site.

Carol Morris, City Attorney, explained that there is already a process in place in the sign code for a variance. Councilmember Ruffo said that there would have to be specific criteria for the DRB to follow in order to avoid problems.

Councilmember Young asked Mr. Tarady to convey to his client that he agreed that the proposed sign may look better than the existing, but what is being requested is unmanageable and unfair to the other businesses around town that may not have several non-conforming signs to "trade," nor is it fair to non-corporate entities or new businesses that don't have existing signage.

Councilmember Dick voiced concern that deciding what rules are appropriate for a community is a lengthy process, but once adopted, it is important that they be enforced. This allows the public to know what to expect. He added that he prefers the process in place where the Council receives recommendations from the Planning Commission and then adopts a set of rules and sticks to them.

RESTATED MOTION: Move to take the staff recommendation and not make any changes to our current sign code at this time.
Ekberg / Ruffo – unanimously approved.

2. Second Reading of Ordinance – Deleting Reference to Signs in the Non-Conforming Use Chapter. John Vodopich, Community Development Director, presented this second reading of an ordinance intended to clarify and ensure that non-conforming signs are regulated under the sign chapter rather the non-conforming use chapter of the city code.

MOTION: Move to adopt Ordinance No. 949 as presented.
Young / Ruffo – unanimously approved.

3. Second Reading of Ordinance – Calculation of Density in Residential Zones. John Vodopich presented this ordinance that provides clarification for buildable areas. He said that at the first reading there was discussion regarding whether to include the buffer areas when calculating net buildable areas, and so two draft ordinances are included for consideration. He mentioned several pieces of correspondence that had been received today encouraging Council to adopt option A which includes wetland buffers. Mr. Vodopich also recommended adoption of option A.

MOTION: Move to adopt Ordinance No. 950, Option 'A' as presented.
Dick / Young –

Mayor Wilbert pointed out that there were three people signed up to speak on this agenda item.

MOTION: Move to suspend the rules and allow public testimony.
Young / Ruffo – unanimously approved.

Councilmember Ekberg asked for clarification on whether either option deals with calculation of roads. Mr. Vodopich answered no, and roads and tidelands are excluded.

John Rose – Olympic Property Group. Mr. Rose gave a brief history of the Gig Harbor North property. He explained that the annexation process included quite a bit of discussion on density and how to accommodating the large wetland area. He said that the theme was to “work with the land” and not worry about density. That is why the Gig Harbor North residential zones have no minimum lot size, and allow for attached housing. The evidence for that is in a provision in the municipal code Chapter 17, that states, “Density is to be calculated on the gross area.” He continued to explain that adoption of this ordinance is more than a housekeeping item, as it would create a conflict in the code and would cause them to lose anywhere from 100 to 300 units. He mentioned other issues such as meeting the density goals of the Growth Management Act and the fact that many other jurisdictions allow roads and critical areas to be included in the calculations.

Councilmembers discussed the consequences of adopting the changes. Steve Osguthorpe commented that Mr. Rose was correct about the roads being included in the calculations for density in the Gig Harbor North area.

Carol Morris commented that this is the first time that the city has been notified of the inconsistency in the code and advised Council that they could proceed with the adoption of an ordinance at this meeting and address the inconsistency in another ordinance at a later date. Another option would be to defer action on this ordinance and ask staff to include specific legislative findings to exclude the PCD zone and that could be incorporated in the "whereas" section of an ordinance to be brought back at a later meeting. This would address the concern that the most recently adopted ordinance would apply and someone could interpret this ordinance to mean that this ordinance applied in all zones.

Councilmembers discussed the concerns and decided that it was appropriate to wait.

Scott Wagner PO Box 492, Gig Harbor. Mr. Wagner explained that it was critical to him that the ordinance could be adopted this evening, because it affects his project. He added that understands Mr. Rose's concerns and the need to address them, urging the adoption of Option 'A' with additional clarification at the next council meeting.

Ther Jorgenson – North Pacific Design, 5715 Wollochet Dr. NW. Mr. Jorgenson explained that he is also representing Rush Construction Company. He handed out a letter from Gordon Rush that covers the comments he would be addressing. He said that in today's construction, the cost to develop lots is increasing each year while buildable lands are decreasing due to regulatory actions. This results in higher costs per lot to build, and the cost has to be passed on to the new owners. This, in conjunction with trying to comply with the GMA, he would like to support Option 'A'.

Councilmember Ekberg recommended deferring this ordinance for clarification and bringing it back at the next meeting for consideration. Councilmembers discussed the options and agreed that they want to make sure the amendments reflect the intent.

MOTION: To continue this second reading of this ordinance to the next meeting and to schedule a public hearing at the same meeting.
Ekberg / Picinich – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Performance Based Height Exemptions and Height Exceptions. John Vodopich presented this ordinance that exempts certain structures from the height requirements of the Municipal Code and provides an exception process for other structures requiring height in excess of the limits of the code for effective performance and operation of the structure. Mr. Vodopich clarified that it was important for this ordinance be adopted at its first reading in order to facilitate the improvements to

the lighting at the Gig Harbor High School athletic fields and to allow the Interlocal Agreement with the Peninsula Recreation Center Field Development to move forward. Jennifer Sitts, Associate Planner, further explained that this only creates a process for an approval, and the project would still need to go before the Hearing Examiner at the February meeting.

Councilmember Franich asked for clarification of whether this sets a height limit for lighting fixtures. Mr. Vodopich explained that the ordinance requires an applicant to meet certain criteria for approval, but there is no height limitation. Councilmember Franich then asked if thought had been given to restricting this to public facilities. Jennifer Sitts addressed his question and explained that this had been discussed, but if the regulations were limited to public-owned facilities, it would eliminate organizations such as the YMCA or the Boys and Girls Clubs. She explained that any future fields could be designed in a way to avoid the need for the extra height.

Councilmember Franich said that he is concerned with how an athletic field could be interpreted and what could be built in the future. Carol Morris explained that the city doesn't regulate the ownership of property, only the land-use impacts. If you would like to address the impacts, it must be done in the code, but for equal protection, she recommended that Council not limit the use to only public entities. The impact on surrounding uses will be the same regardless of whether it is a public or private entity.

Councilmember Ekberg asked about the inclusion of a height limitation to address the concerns brought up by Councilmember Franich. Steve Osguthorpe explained that the ordinance was drafted to address more than just field lighting, and the wording lends itself to be more of an engineering matter to achieve the required lighting. He added that this is a performance-based height exception.

MOTION: Move to adopt Ordinance No. 950, at its first reading as allowed by Section 1.08.020(B) GHMC.
Picinich / Ruffo – six voted in favor. Councilmember Franich voted no.

2. Peninsula Recreation Center Field Development – Interlocal Agreement. Mark Hoppen presented this Interlocal that provides for the Peninsula Recreation Center field improvements at Gig Harbor High School.

Councilmember Franich said that because Pierce County has a dedicated funding source for these projects, he would have liked to have seen them take care of the extra cost. Mr. Hoppen noted that in the resolution passed by Council in support of the Interlocal, Council was willing to allocate \$120,000 for the field lighting cost and \$60,000 for the sub-base. Subsequently, the bid came in lower in some elements and higher in others.

MOTION: Move to authorize the Mayor to sign the Interlocal Agreement as drafted.

Ruffo / Picinich – six voted in favor. Councilmember Dick abstained.

3. First Reading of Ordinance – Relating to Annexation and Zoning (Hazen Annexation). John Vodopich presented this ordinance accepting the Hazen Annexation. The Boundary Review Board has deemed the annexation approved and the final step is passage of this ordinance at its second reading.

Councilmember Dick voiced a desire to pass this at its first reading as it has already been approved and this is just a formality. Councilmember Ekberg disagreed and said that he thought that Council should keep the integrity of the two-reading process unless it is an emergency situation. Councilmember Young agreed.

MOTION: Move to adopt Ordinance No. 951 accepting the Hazen Annexation. Dick / Ruffo – Councilmembers Ekberg, Young and Franich voted against the motion and it failed for a lack of a majority of the entire Council membership plus one.

4. Well #6 Susceptibility Assessments – Consultant Services Contract. John Vodopich presented this contract to determine the vulnerability to surface contamination to a drinking water source.

MOTION: Move to approve the Consultant Service contract with Gray & Osborne, Inc. for Well No. 6 Susceptibility Assessment in an amount not to exceed one thousand two hundred dollars and no cents (\$1,200.00).
Picinich / Ruffo – unanimously approved.

STAFF REPORTS:

1. GHPD – November Stats. No verbal report given.
2. View Protection and Trees. No verbal report given.

PUBLIC COMMENT:

John Rose – Olympic Property Group. Mr. Rose gave an update on the Gig Harbor North development. He explained that they had signed with Costco and had submitted the first preliminary plan that includes a YMCA, a park and other amenities. He continued to explain that they are busy working on Borgen Boulevard and the water tank. They expect a 2005 groundbreaking for the Costco store.

Carol Morris advised Mr. Rose that he should be careful not to discuss pending applications.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Franich expressed his condolences for the recent loss of John Ancich Senior, a long-time member of the community. Mayor Wilbert mentioned that she kept the picture of Mr. Ancich mending the net on the Fisherman's Memorial at Jerisich Dock.

Councilmember Derek Young directed staff to compose a letter to the Tacoma City Council regarding the article in the newspaper and the memo from Mark Hoppen about the Tacoma Narrows Airport. The letter should express interest in exploring the potential but without committing to anything yet. The other Councilmembers agreed.

Mayor Wilbert introduced Terry Lee, Pierce County Councilmember, and invited him to speak.

Terry Lee – Pierce County Councilmember. Councilmember Lee expressed his appreciation for the Council support of the Interlocal for the Gig Harbor High School Field Improvements project. He continued to explain that he attended the first in a series of public meetings regarding the Tacoma Narrows Airport. He described a very aggressive schedule of the TNA Advisory Commission, of which the City of Gig Harbor is represented well by the City Administrator, Mark Hoppen, as a citizen, and by Rob White, Associate Planner. He gave an overview of the appeal to the Central Puget Sound Hearings Board by the City of Tacoma with respect to the development rules and regulations of the Gig Harbor Community Plan. He said that they have also been asked to make a significant change to the plan in regards to the types of activities that occur at the airport. There is a window of approximately 3-4 months to try and to develop a collaborative process to resolve the issues. He said that a request to the City of Tacoma would be helpful to identify the ramifications and concerns. He concluded by talking about the success of the partnership between the city and Pierce County, and asked that the City of Gig Harbor continue to consider him a resource.

ANNOUNCEMENT OF OTHER MEETINGS:

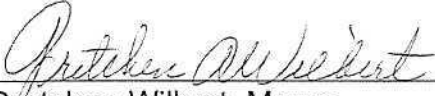
EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b) and pending litigation per RCW 42.30.110(1)(i) for approximately 30 minutes.

MOTION: Move to adjourn to Executive Session for approximately thirty minutes at 9:14 p.m. for the purpose of discussion pending and potential litigation.
Franich / Picinich - unanimously approved.

MOTION: Move to return to regular session at 9:45 p.m.
Ruffo / Picinich – unanimously approved.

MOTION: Move to adjourn at 9:45 p.m.
Ruffo / Picinich - unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 14.
Disc #2 Tracks 1 – 18.



Gretchen Wilbert, Mayor



Molly Towslee, City Clerk