

GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 11, 2004

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

CALL TO ORDER: 7:02 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING: Vacation of a Portion of Prentice Street – Tarabochia Property.

Mayor Wilbert opened the public hearing at 7:04 p.m. and John Vodopich, Director of Community Development, gave a brief description of this effort to vacate a portion of Prentice Street abutting the property of Nick Tarabochia.

Ladd Bacchus – 11419 41st Ave Ct NW. Mr. Bacchus 9304 Peacock Hill, asked if future street vacations for property along Prentice would be available.

John Vodopich explained that it would be up to the adjacent property owners to apply. He said that an application and survey would be required to initiate the process.

No one else signed up to speak, and the Mayor closed the public hearing at 7:08 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 Worksession of September 20, 2004 and City Council Meeting of September 27, 2004.
2. Correspondence / Proclamations: a) Proclamation Recognizing Craig Roberts.
3. Wheeler Street-End Survey and Habitat Assessment.
4. Resolution – Establishing Work Program for Review and Revision of Comprehensive Plans.
5. Approval of Payment of Bills for October 11, 2004:
Checks #45218 through #45337 in the amount of \$266,582.51.
6. Approval of September, 2004 payroll:
Checks #3431 through #3475 and direct deposit entries in the amount of \$252,540.10.

Mayor Wilbert explained that Craig Roberts, Domestic Violence Coordinator for Pierce County and his wife, as well as Paul Nelson, Court Administrator, and his family, were present to acknowledge the proclamation recognizing Mr. Roberts for the work he has done to place the Domestic Violence Kiosk in the lobby of the Gig Harbor Civic Center. The Mayor read the proclamation aloud. Mr. Nelson talked about the overwhelming success of the kiosk. He added that Pierce County Councilmember Terry Lee was also present to honor Mr. Roberts for the work he had done. The proclamation was signed by the Mayor and presented to Mr. Roberts.

MOTION: Move to approve the consent agenda as presented.
Ekberg / Picinich – unanimously approved.

OLD BUSINESS: None scheduled.

NEW BUSINESS:

1. Proposed Annexation – Wright. Mr. Vodopich presented this Notice of Intention to Commence Annexation Proceedings for a proposal to annex approximately 16.46 acres of property located west of Skansie Avenue and north of Hunt Street. He answered questions, and recommended that the Council accept the notice of intent and further authorize the circulation of a petition to annex the property with two conditions. The first condition is that the property owners assume all the existing indebtedness of the area being annexed, and the second condition is that the city requires the simultaneous adoption of R-1 zoning for the property once annexed.

MOTION: Move to accept the proposed annexation from Mr. Wright.
Picinich / Dick – three voted in favor. Councilmember Franich voted no.

2. First Reading of Ordinance – Prentice Avenue Street Vacation Request. Mr. Vodopich explained that this ordinance was the subject of the earlier public hearing and will return for a second reading at the next meeting.

3. First Reading of Ordinance – Adding a Rounding Provision for Calculating Residential Density. Steve Osguthorpe, Planning Manager, presented this ordinance that would add a rounding provision for determining residential density to address the question of fractional units when calculating. He addressed Council requests to clarify how the rounding calculation would apply.

Mary Souza – 5624 43rd Ave NW. Ms. Souza, explained that there is an inconsistency with having a minimum lot size of 12,000 s.f. and only being able to put one house on a 19,000 s.f. lot. She said that the Growth Management Act encourages four dwelling units per acre, but Gig Harbor only allows three. She said that it would be in the city's best interest to use a rounding provision similar to Pierce County to clear up confusion and to help the Planning Department address the public's concerns.

This will return for a second reading at the next meeting.

4. Resolution - Harbor Ridge Latecomers Agreement for Reimbursement of Municipal Water. John Vodopich explained that this resolution proposes a latecomers agreement for the Harbor Ridge Middle School watermain extension, and that the school district is requesting the agreement in order to recoup a portion of their development cost associated with the watermain. He gave an overview of the correspondence included in the packet relating to the agreement, adding that another letter had just been received from a law firm representing George Haub opposing the inclusion of his property. In

addition, there was one other person present in the audience who wishes to oppose inclusion of their property. In light of these concerns, Mr. Vodopich recommended that Council defer action on the resolution until the next meeting to give the school district time to address the concerns of these other property owners.

Mr. Vodopich was asked to explain what the latecomers agreement entailed. He said that representatives from AHBL were present to answer questions.

Bob Pentimonti – 1301 8th Street, Tacoma. Mr. Pentimonti, representing George Haub, owner of Lot 21, explained that because his client's parcel is so remote from the line, and there is no easement to the waterline, he would receive no benefit from the watermain without completing a full watermain extension off the end. Therefore, he asked that this parcel be excluded from the latecomers agreement. Mr. Pintamonte asked for clarification on whether the school district had to pay a latecomers fee when they extended from the Burnham Drive line.

John Vodopich responded that the school district was not part of the Burnham Drive Latecomers Agreement.

At this time, City Attorney Carol Morris advised Councilmember Picinich that because of his employment with the school district, he should abstain from participating in any of the discussion or decisions regarding this agreement.

Councilmember Franich shared that he owned property included in the latecomers agreement, and Ms. Morris advised him that he too should recuse himself.

Mr. Pentimonti was asked how his client would be adversely affected by inclusion in the latecomers if he was not planning on hooking to the line. Mr. Pentimonti explained that if they were required to have additional fire flow, they might possibly have to connect off the end of the line, as well as having to run a line along Woodworth, and they would be paying for two extensions. When the only way to tap in is a further extension from the end of the line, you shouldn't have to pay the latecomers fee, similar to how the school district continued the line from the Burnham Drive waterline.

There was further discussion on how properties were identified to be included in or excluded from a latecomers agreement.

Wade Perrow – 9119 North Harborview Drive. Mr. Perrow explained that his position is that parcel 22 should be excluded from the latecomers agreement, which would allow the school district to recoup their funds sooner by collecting from properties that will actually be benefited from the line. He then addressed the prior discussion about the inclusion of properties that would have to extend a watermain in order to hook up. He gave a history of the waterline that serves this particular area. He said that the criteria for inclusion in a latecomers agreement cited by the city was that if a property was adjacent to the line, they were considered benefited, but extension of a watermain was not. He said that it would not be appropriate for the city to change its approach and

begin including properties that would hook up by extending the main. Mr. Perrow then said that lot 22 was clearly removed from the watermain and did not need to be burdened with a legal recording against it. He said that it would be inconsistent with what had been done in the past, and he had already incurred the expense of providing a main line through the Northharbor Business Campus that would provide the necessary fire flow to his six acres.

Mr. Perrow addressed questions about the past extensions and latecomers agreements.

Owen Dennison, AHBL, 316 Occidental Ave. South, #320, Seattle. Mr. Dennison explained that his firm is the consultant for the Peninsula School District on this issue. He said that throughout the process of formulating this agreement, the highest priority for the school district has been the equitable distribution of costs. He said that the line was required for fire flow, and that other properties will benefit from this extension. He said that the district believes that the proposed distribution scheme is equitable and the inclusion of each parcel is justified. He clarified his understanding of city code that the latecomers can be applied not only to parcels directly adjacent to the line, but also to parcels that would be served from branches or a lateral line. Parcels that require a main extension are not subject to the agreement. He said that parcels 21 and 22 were included after city staff explained that the water system east of the areas may be insufficient to supply fire flow to those properties and that it may be more cost effective for those lots to obtain easements and obtain fire flow from the Burnham Drive line. He reiterated that they would only pay the assessment if they were to hook up to a lateral line, but not if they obtained water from an extension to the main line. He said that out of fairness, the school district believes that any parcels that may receive direct benefit should be participants in the agreement. He continued to address Council's questions by explaining that some parcels were not included because they were already developed and due to the underlying zoning, would not be redeveloping within the next 15 years.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter said that he is involved in parcels 19 and 20, two small residential lots. Mr. Hunter asked why these lots were included, as they would not need additional fire flow. He then asked why two vacant lots in the neighborhood were not included. He said that his property would not be benefited.

Mr. Dennison came forward to address these questions. He said that the two identified vacant lots would benefit from redevelopment and if there were other vacant lots, he was not made aware of them.

Councilmember Ekberg asked Mr. Dennison to determine if the existing line would have served these properties before the replacement of the line. Mayor Wilbert asked for clarification on why the lots surrounding parcel 6 were not included.

Mr. Dennison explained that these properties were determined to be developed and the assessed value and zoning on them would suggest that they would not be redeveloped in the next 15 years.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich explained that he was involved in parcels 1 and 2, and said that he believed that some benefit would be required to be included in a latecomers agreement. He said that in regards to lots 21 and 22, due to the requirement for easements, there are no benefits. He then said that those areas identified by the Mayor are not fully developed, and the way land values are increasing, they easily could be redeveloped. These properties front the new line, and yet have not been included in the latecomers agreement. He voiced concern with the fairness of the distribution.

Debra Enneking – office at 5112 Olympic Drive, Ste. A104. Ms. Enneking said that she owns lot 16, and doesn't deny that she would benefit from this line, but said that she had not received notification in time to participate in the talks. As a small business owner on a budget, she is disturbed to have this dropped on her without a chance for input. She said that she provided an easement and was told that the school district would restore her driveway. Instead, a curb had been constructed blocking the driveway, and boulders placed without notification or permission. She asked what rights she has for notification as a property owner.

Carol Morris explained that the city had provided notice required for the latecomers agreement per code and suggested that if Ms. Enneking had a problem with the way that the school district handled the project, that she should contact the district. Ms. Enneking said that this is the first time that it had been brought to her attention, and that she would not have granted the easement so easily and been more proactive.

John Vodopich said that he would research who had installed the curb.

MOTION: Move to carry this to the next meeting based on the additional information and ask for clarification of the issues raised, including the parameters for inclusion in the latecomers agreement.
Ekberg / Dick – two voted in favor. Councilmembers Franich and Picinich abstained.

STAFF REPORTS:

1. Community Development: Water Rights Update. John Vodopich said that he distributed a staff report at the beginning of the meeting explaining that the city received word from the Department of Ecology that they approved the water right application for Well #6, which equates to approximately 2,547 ERUs of water. He explained that there is a thirty-day appeal period, and recommended that the current water moratorium ordinance be brought back at the November 22nd meeting to consider rescission if there are not appeals to the water rights.

2. Community Development: Gig Harbor Downtown Building Size Assessment.

John Vodopich explained that at the last meeting, he was directed to prepare a report on the results of the survey given to Councilmembers and to make a recommendation on how to proceed. He said that the results were attached to the staff report, and recommended that Council approve the distribution of enough surveys to achieve a statistically valid response. Councilmember Ekberg voiced concern that if only five of the eight Councilmembers responded, what kind of results could be expected by sending it city-wide. He then asked if staff was able to use the results received from the five responding. Mr. Vodopich gave a brief overview of the results.

Councilmember Franich stated that it is important to obtain public input, but the survey should be made less confusing. He asked for a recommendation on how to go forward. Mr. Vodopich recommended sending the survey to approximately 200 people, using a randomly generated list. He said that minor changes to the survey could be done to shorten and clarify it. Councilmember Franich said that it would be important to make sure that the public doesn't confuse building use with building size and suggested using people or a car in the pictures to show scale. He also suggested including the Finholm District as a choice in light of recent discussions regarding this area. Mr. Vodopich said that he would bring back the survey after changes were made and before it was distributed.

2. Community Development: Pierce County 2005 Comprehensive Plan

Amendments. John Vodopich said that Pierce County is accepting applications for amendments to the 2005 Comprehensive Plan. He said that it had been brought to his attention that approximately 30 acres of the city's water service area at the end of Vernhardson is outside of the Urban Growth Area. The city has a water tank and a well there. Mr. Vodopich explained that it would be appropriate for this area to be included in the UGA and recommended that an amendment request be submitted.

John Vodopich and Carol Morris explained to Councilmembers that the city is prohibited by law to extend services outside the UGA except in limited circumstances such as a health and safety issue. Mark Hoppen further clarified that the Health Department determined that this area is best served by the city service, but unfortunately, it was not included in the UGA. This amendment request is an effort to correct the error. Council directed staff to complete an application and bring it back to Council for review and approval.

3. Community Development: Stinson Avenue Pedestrian Improvement Projects.

John Vodopich reported that on September 28th, a public informational meeting was held to discuss the Stinson Avenue Pedestrian Improvement Project. He said that several good suggestions came from the meeting including extending the project to include the back driveway of the auto glass facility, and to place several benches along the route. Notices were mailed to the property owners affected by the improvements, with no response.

4. Chief Davis – GHPD Stats for September. No verbal report given.

PUBLIC COMMENT:

Lori Nichols – Senior Vice President for Strategic Planning and Development for Franciscan Health System. Ms. Nichols read a letter for the record voicing concern for the abrupt schedule change pertaining to the Comprehensive Plan Amendment application for St. Anthony Hospital.

John Vodopich explained that his letter in response to the one just read is included in the packet. The letter outlines the reasons why city staff recommended that Council adopt a revised work program for the Comprehensive Plan amendment cycle this year. He said that as the mandatory 60-day notice deadline approached, it became apparent that issues related to transportation and potential SEPA determinations had yet to be resolved. At the advice of the City Attorney, he recommended the revised update schedule to the Franciscan Development Team. This revision removed the privately initiated applications and deferred them to the first quarter of 2005. Mr. Vodopich stressed that the city does recognize the impact not only on the hospital, but the other applicants, and will work with diligence to resolve the transportation issues in order to complete the 2005 amendment cycle early in the year.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton invited the Councilmembers to the photo opportunity at the Eddon Boat Property on Tuesday, 5:30 p.m. for those in support of purchasing the property. She thanked Councilmember Franich for pursuing the correct figures for the tax assessment before publication of the flyer.

Bob Winskill – office at 3805 Harborview Drive. Mr. Winskill said that he came to invite everyone to the open house at the Eddon Boat Shop on Saturday, 10:00 a.m. to 5:00 p.m. He said that few people have had an opportunity to see the shop and he thought it would be a good opportunity for the public to see the shop. He said that they were going to launch a sailboat at 1:00 p.m.

Joe Kunkle – Hamas Company, 1411 SW Street, Seattle. Mr. Kunkle said that he works for the development company helping the Franciscans with St. Anthony Hospital. He stressed the urgency for the Comprehensive Plan Amendments and discussed the impact that delays could have on the project budget. He said that if possible, they would like a date certain when the amendments would be reviewed.

Dawn Sadler – 7508 Pioneer. Ms. Sadler explained that her design for remodel had been denied because an attached carport and covered patio were calculated in the living space. She voiced concern that the 3500 s.f. exemption for residential construction in the view basin included covered carports and patios, and requested that Council look at this provision again, as only garages and covered living space was discussed by Council.

COUNCIL COMMENTS / MAYOR'S REPORT: None.

14. **Preparation of Findings and Conclusions/Orders.** Upon request by the Examiner, the parties shall prepare findings and conclusions or orders, based on the Examiner's oral or memorandum opinion. In the alternative, the Examiner may prepare his/her own Findings and Conclusions/Orders, or adopt, in whole or in part, the findings, conclusions or orders from the drafts proposed by the parties.

15. **Final Decision.** The Examiner shall issue a final decision within ten working days as set forth in the Gig Harbor Municipal Code. Copies of the Examiner's decision shall be sent to all parties and all other persons requesting a copy of the decision from the Examiner's office.

RESOLVED by the City Council this 25th day of October, 2004.

APPROVED:


MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:


MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 10/20/04
PASSED BY THE CITY COUNCIL: 10/25/04
RESOLUTION NO. 632