

GIG HARBOR CITY COUNCIL MEETING OF DECEMBER 13, 2004

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

CALL TO ORDER: 7:05 p.m.

PLEDGE OF ALLEGIANCE:

The Mayor introduced Kaylee Moore, Washington Teen USA. The Mayor read, then presented Kaylee with a Certification of Recognition for her accomplishments.

PUBLIC HEARINGS:

The Mayor announced that there would be three public hearings and asked that comments be limited to three minutes. She opened the first hearing at 7:06.

1. Clarifying Maximum House Size for Building Moratorium. Steve Osguthorpe, Planning / Building Manager, presented the background for this hearing and gave an overview of the changes to include schools in the exempt section of the ordinance. He explained that Michael Katterman from AHBL was present to answer questions.

Michael Katterman – AHBL, Inc. 316 Occidental Ave. So., Seattle. Mr. Katterman, speaking on behalf of the Peninsula School District, thanked Council for including schools in the exemptions section. He said that they are continuing with the process, working with the Planning Commission on other amendments and review of the project. He thanked staff for their efforts in getting this on the agenda.

There were no further comments and the Mayor closed the public hearing at 7:08 and opened the next public hearing.

John Vodopich said that he had prepared a PowerPoint presentation to address the next two public hearing items on the revisions to the Comprehensive Plan and revisions to the Zoning Ordinance and Critical Areas Ordinance. He narrated the presentation and then gave an overview of the correspondence submitted in regards to the ordinances. He said included was a chart titled *Residential Density and Minimum Lot Sizes Comparative Matrix* that identifies 4-dwelling unit zones and minimum lot sizes in jurisdictions throughout the Puget Sound area. He said that in addition, included in the packet is a revised technical memorandum from Teresa Vandeburg, Director of Natural Resources from Adolphson and Associates, in response to the Department of Ecology comments. He said that members of the two consulting firms are present to answer questions.

2. Adopting a Revised Comprehensive Plan as Required by State Statute (RCW 36.07A.130)

3. Adopting Revisions to the Zoning Ordinance to Increase Certain Zoning Densities, Adding Notification Requirements for Mineral Resource Lands and Amending Critical Areas Regulations as Required by State Statute (RCW 36.70A.130).

Carl Halsan – 7218 Northcreek Loop. Mr. Halsan spoke on the zoning and critical areas. He said that he doubted that there are any Category 1 Wetlands in the city, adding that he hoped to find out if the consultants had looked to see if there were any. His next comment was that state law gives final plats a five-year vesting period from the date of recording against all change of zoning rules and land-use control ordinances including wetland regulations. He said that other jurisdictions may give an additional period of vesting. He asked if this was something the city was considering for some of the larger plats.

Carol Morris, City Attorney, responded that she is not aware of any jurisdiction that has a code provision that allows additional vesting beyond the five-year period on a final plat. She said that they may execute a development agreement on a preliminary plat that may allow additional vesting.

Teresa Vandenberg addressed the Category 1 Wetlands question. She said that they have not yet done a detailed wetland inventory for the city, but from what she knows, there are no Category I Wetlands located here.

John Chadwell – Olympic Property Group – 19245 10th Ave NE. Mr. Chadwell spoke to the critical areas ordinance and gave an overview of the letter submitted to Council. He stressed that it would be prudent to take a closer look at this before adopting. He said that under the Growth Management Act, the Comprehensive Plan should balance the needs of the protection of critical areas with the other GMA planning goals to accommodate growth. He said that the ordinance allows buffer width averaging for categories 1 and 2, but not for categories 3 and 4. He said it would be appropriate to allow averaging for all categories to balance the needs. He added that he had a consultant prepare a report supporting the notion that there is no strong, scientific evidence that it would be an environmental problem to do so.

Dennis Reynolds – Davis, Wright, Tremain Law Firm – 2600 Century Square Building, Seattle. Mr. Reynolds explained that he had been asked by four property owner / developer companies to testify. He distributed a letter to Council and described his credentials. Mr. Reynolds talked about timing, and asked that Council take more time to consider the issues before adopting amendments to the critical areas ordinance. He asked that all the administrative records be reviewed, suggesting that there is a defect in the record in the many references to “best available science” and no consideration of balancing the staff proposals with the thirteen planning goals in the Growth Management Act. He said that as is, the ordinance vulnerable to challenge as going too far with the buffering requirements. Mr. Reynolds then recommended that an inventory of wetlands be done before determining what needs to be regulated. He commented that the outside consultants had done a “pretty good job” but needed to balance the thirteen goals of GMA. He finalized his comments by stressing that his clients oppose

the DOE recommendations and the additional buffers for streams and wetlands. They have an open mind if this would be revisited after an inventory could be done.

Chris Wright, Radikke & Associates – 5711 NE 63rd St., Seattle. Mr. Wright explained that he was retained by Olympic Resource Group to provide a comment letter on the critical areas draft ordinance, which had been submitted. He commended staff and the consultants on the efforts to draft the ordinance. He pointed out that the Growth Management Act does not require that local governments adopt the recommendations and protection standards included in the DOE volumes called *The Best Available Science*. The documents clearly state that there is no direct relationship between buffer width and function. Mr. Wright said that the ordinance is flawed in the way buffer-width averaging is allowed only for the higher category wetlands. This implies that the low-quality wetland systems are worthy of greater protection than significant wetland habitats. He recommended that this portion of the ordinance be reviewed to allow for buffer-width averaging for all categories if it does not negatively affect the critical area that it is intended to protect.

Doug Sorensen – 9409 No. Harborview Drive. Mr. Sorensen addressed the comment that there are no Category I Wetlands in the city. He read from a document from AHBL Consultants done in June that “best listed” certain estuarine wetlands as Category 1 because they are contiguous with both year-round and intermittent salmonoid fish-bearing waters. Mr. Sorensen said that he spoke with the consultant who wrote the report, asking him if there were other Category 1 wetlands in the city, and was told that yes, there are. Mr. Sorensen stressed the importance of having a current wetlands map in order to identify the location and the category of wetlands in the city. He voiced concern that the city would be creating non-conforming properties if the ordinance is adopted as written, and recommended delaying adoption of the ordinance until the areas of concern could be addressed.

Scott Wagner, P.O. Box 492, Gig Harbor. Mr. Wagner asked staff for clarification on buffering requirements when a road or other significant structure abuts a wetland and whether the buffer would be required to cross the road. Mr. Osguthorpe was unsure. Mr. Wagner said that he would like this to be considered and language included to allow for this situation. Mr. Wagner then commented that he would like to see a simpler rating system than what DOE has in place. He added that he would submit his other concerns in writing.

There were no further comments and the public hearing was closed at 7:45 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 the City Council Meeting of November 22, 2004.
2. Correspondence / Proclamations: a) Note from Chamber re: Terry McClelland
b) Certificates of Recognition: Melinda Jenkins and Kaylee Moore.
3. Department of Assigned Counsel – Renewal of Contract.

4. Renewal of Radio Communications Maintenance Agreement.
5. Contract for Environmental Services.
6. Approval of Payment of Bills for November 22, 2004:
Checks #45674 through #45824 in the amount of \$397,839.84.
7. Approval of Payroll for the month of November:
Checks #3513 through #3550 and direct deposits in the amount of \$254,172.49.

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

OLD BUSINESS:

1. Second Reading of Ordinance – Clarifying Maximum House Size for Building Moratorium. Steve Osguthorpe said that he had nothing further to add, and offered to answer questions.

MOTION: Move to adopt Ordinance No. 979 as presented.
Young / Ruffo – unanimously approved.

2. Second Reading of Ordinance – Amending the 2004 Budget. David Rodenbach, Finance Director, presented this ordinance amending the 2004 Budget due to unexpected expenses in the building fund due to repairs.

MOTION: Move to adopt Ordinance No. 980 as presented.
Picinich / Ruffo – unanimously approved.

3. Second Reading of Ordinance - Adopting a Revised Comprehensive Plan as Required by State Statute (RCW 36.07A.130). John Vodopich explained that the testimony offered during the public hearing this evening was directed towards the critical areas regulations, and then recommended one change to the comprehensive plan related to policy 2.3.2 Airport Overlay Districts, deleting the second bullet that reads: "The city should consider application of density limitations in areas south of 44th Street Northwest..." He explained that the reason for the deletion is that the area is entirely built out with residential development approved under county regulations, and it is highly unlikely that any major redevelopment of the area will occur.

Councilmember Young asked for clarification on adding low-impact development strategies to the comprehensive plan. Carol Morris explained that it was taken out the of last comp plan amendment due to the lack of development regulations for low-impact development and the Growth Management Hearings Board decision that required that these be adopted at the same time for consistency. Since that time, a decision has come about that changed this requirement.

Councilmember Franich asked about the possible ramifications of the language stating support of FAA Standards. Mr. Vodopich said that FAA Standards would trump any that the city adopts. Mark Hoppen, City Administrator explained that there is no correlation

between the inclusion of this language and the FAA's aspirations, as the Airport Master Plan shows no expansion that would have any impact on our jurisdiction.

Councilmember Dick asked if there is a way to determine adequate funding for transportation concerns. Mr. Vodopich asked the city's consultant to address this question.

Owen Dennison, AHBL Consultants, explained that the capacity of city services is reflected in a project list to ensure that the city stays consistent with future demands. He said that this list is continuously updated, adding that it does not appear that there are existing shortfalls with the adopted level of service and the existing infrastructure. A capacity analysis is scheduled in 2005 to determine if the city is on the right track to maintain concurrency. He said that this reassessment provision is a specific requirement of the GMA.

Councilmember Ruffo voiced concerns for adoption of the ordinance on the comprehensive plan this evening if there are problems with adoption of the second ordinance.

Mr. Dennison said that state law requires that the plan and the implementation be consistent, but he sees no problem with adopting the policy side tonight and following up with implementation. Carol Morris voiced concern with adoption of the comprehensive plan if there are inconsistencies with current zoning regulations. She recommended that they be adopted together to guarantee consistency.

Councilmembers discussed the concerns raised during the public hearing and time restraints for adoption of the comprehensive plan. They agreed on the need for a current wetlands inventory and the implication of the results of changes to the buffering requirements. Mr. Vodopich stressed that a number of state grants are predicated on compliance with GMA. Councilmember Young asked for further clarification on buffering.

Teresa Vandenberg, Adolphson & Associates consultants, stressed that the buffer is most effective closest to the wetland. She said that the city is charged with incorporating the best available science into their regulations, and to best interpret and tailor this science for the values of the wetlands located here. Additional buffering ensures the additional protection of water quality improvement and habitat support. Ms. Vandenberg addressed the comments during the public hearing about Category 1 Wetlands by explaining that the new rating system implemented by DOE in August, 2004, is different than the old rating system referred to in the report. She said that most jurisdictions are dealing with the concern for whether they have Category 1 Wetlands. She said that there is existing Pierce County wetlands data and a national wetland inventory data. A full inventory and classification of wetlands for the city would take approximately a month. She stressed that private property would not be accessed, so there will still be some adaptation and estimation.

Councilmember Franich asked if properties on Gig Harbor Bay are exempt from the critical areas regulations. Ms. Vandenberg gave a detailed definition of wetlands, adding that the bay would be covered under the Shorelines Management Act rather than the Growth Management Act critical areas regulations. She further clarified for him that averaging of the higher categories allows flexibility, but it only works when the buffer has not been degraded. They recommended that it only apply to buffers of 50 feet or more, which excluded the category 3 and 4 wetlands in this averaging as their buffering requirements are 50 feet or below.

Councilmember Ruffo suggested delaying action until the inventory could be completed. John Vodopich advised him that the earliest that a consultant services contract could be brought before Council would be in January, and that it was an unanticipated budgetary item. Councilmembers further discussed their concerns with acting on this issue.

Mark Hoppen suggested at short recess to discuss options with staff and the City Attorney. The meeting was recessed, and reconvened at 8:31 p.m.

John Vodopich said that during deliberation, it came to light that earlier, all privately initiated comprehensive plan amendments had been deferred to the first quarter of next year. He explained that the data from Pierce County and the national wetlands data can be used as a starting point to further refine the information and to define the categories. He proposed that Council adopt both the comprehensive plan ordinance and zoning ordinance tonight, separating out Title 18 which deals with the critical areas regulations. This portion of the ordinance will be brought back for consideration in 2005 with the other, privately submitted amendments. This would keep the city in compliance with adoption of the comprehensive plan and zoning regulations, and would honor the commitment to process the privately submitted amendments early in the year.

MOTION: Move to adopt Ordinance No. 981, Comprehensive Plan, with the staff recommended deletion of 2.3.2.
Ruffo / Picinich – unanimously approved.

4. Second Reading of Ordinance – Adopting Revisions to the Zoning Ordinance to Increase Certain Zoning Densities, Adding Notification Requirements for Mineral Resource Lands, and Amending Critical Areas Regulations as Required by State Statute (RCW 36.70A.130).

John Vodopich explained that this is the ordinance in which he would suggest separating out the amendment to Title 17 which would increase the density to four dwelling units per acre in the R-1, RB-1, WR, WM, WC and adding a new chapter 17.92 relating to mineral resource lands and then further delaying any action on proposed amendments to Title 18 until the March 31, 2005.

MOTION: Move to adopt Ordinance No. 982, amending Title 17 which would increase the density to four dwelling units per acre in the R-1, RB-1, WR, WM, WC and adding a new chapter 17.92 relating to mineral

resource lands and then further delaying any action on proposed amendments to Title 18 until the March 31, 2005.
Ruffo / Picinich –

Councilmember Franich asked for clarification on density and minimum lot size. Owen Dennison explained that the city has adopted a rounding provision, which affects the calculation. Councilmember Franich recommended dividing four into 43,000 s.f. to obtain the 10,800 s.f. minimum lot size. Councilmember Young asked about placement of roads, 10% vegetation requirement, and site buffering. He said that the only way to accomplish the four dwelling units per acre is to allow for the inclusion of the necessary infrastructure.

Steve Osguthorpe said that the concern with density is the deduction of a portion for roads and critical areas. He added that you are allowed to calculate density under net rather than gross. This would allow you to use the 10,800 s.f. minimum lot size and still meet the requirement for net density. Councilmember Franich stressed the importance of preserving the character of Gig Harbor and recommended adopting a minimum lot size of 10,800 s.f. in the R-1 zone.

AMENDMENT TO MOTION: To amend Chapter 17 to include a minimum lot size of 10,800 s.f. in the R-1 zone.
Franich / Picinich –

Carol Morris warned Council that if substantive changes are made to the ordinance, it would require another public hearing. John Vodopich suggested that passing the ordinance tonight and direct staff to come back in January with changes to the lot size.

The motion to amend the motion and the second were withdrawn.

MOTION: Move to adopt Ordinance No. 982, amending Title 17 which would increase the density to four dwelling units per acre in the R-1, RB-1, WR, WM, WC and adding a new chapter 17.92 relating to mineral resource lands and then further delaying any action on proposed amendments to Title 18 until the March 31, 2005.
Ruffo / Picinich – unanimously approved.

Councilmember Picinich left the meeting at 8:55 p.m.

NEW BUSINESS:

1. Settlement Agreement – North Creek Homeowner’s Association V. City of Gig Harbor. Carol Morris gave a brief background on this agreement to settle a claim for implied dedication of a private road. She explained that this would provide that this be addressed through the City Council’s acceptance of a portion of North Creek Lane as a public street, and recommended that if the council signs the settlement agreement, a date should be set for a hearing on the acceptance of the road.

MOTION: Move to authorize the Mayor to sign the Settlement Agreement and to set a hearing date of January 10, 2005.
Dick / Ruffo – six voted in favor. Councilmember Franich voted no.

2. Resolution – City Support for Peninsula School District Levy. Mayor Wilbert explained that this item was on the agenda at her request. Councilmember Ekberg asked why there is no copy of the approved levy to show what support is being sought.

Jill Guernsey – 3422 Shyleen Street. Ms. Guernsey, PSD School Board Member, said that the levy is set to go before the Board on the 16th of December and hope to have the Maintenance and Operation Levy pass on February 8th.

Councilmember Ekberg asked to defer action on the resolution until the levy is passed by the Board.

3. Association of Washington Cities Workers' Compensation Group Retrospective Rating Program. David Rodenbach, Finance Director, introduced Paul Chasco, Assistant Director for Insurance Services for AWC. Mr. Chasco gave an explanation of the Retro Program, which is an optional financial incentive program that provides an opportunity for the city to receive refunds on unused workers' compensation premiums. Mr. Chasco answered Council's questions on the program. Councilmember Ekberg explained that one positive aspect of the program is the oversight services that we don't currently have. Mr. Chasco clarified that the city has a yearly choice to participate in the program and quarterly reports will keep the Council informed.

MOTION: Move to approve the participation agreement in the AWC Workers' Compensation Group Retro Program.
Ekberg / Ruffo – unanimously approved.

4. Pierce County 2005 Comprehensive Plan Amendments – Council Letter to P.C. Executive. John Vodopich explained that at the last meeting, he was directed to draft a letter expressing the City's opposition to the 30 acres located east of Crescent Valley Drive in the Urban Growth Area.

MOTION: Move to sign and forward the draft letter to the Pierce County Executive for council consideration.
Dick / Franich -

Councilmember Young asked for clarification on why the letter is being sent now, rather than waiting until the County asks for a determination. Mr. Vodopich explained that Councilmember Picinich asked him to draft the letter because a vote of the Council and a more formalized letter to the County Executive would be more proactive.

Carl Halsan. Mr. Halsan said that there have been four applications on this 30 acres that were submitted to Pierce County Council.

Councilmember Ruffo said that he would not be interested in signing the letter.

RESTATED MOTION: Move to sign the letter to the Pierce County Executive for council consideration.

Dick / Franich – six voted in favor. Councilmember Ruffo voted no.

5. Pierce County 2005 Comprehensive Plan Amendment – Submitted Applications.

John Vodopich explained that he received notification from Pierce County that there are three pending applications for amendments to the County Comprehensive Plan initiated by County Executive Ladenberg. Executive Ladenberg is asking that the city review the applications before they continue in the process. He gave an overview of the applications, adding that the staff recommendation is not to support them.

Carl Halsan. Mr. Halsan said that he was speaking on behalf of two of the applications. He began with Map Amendment No. 6, which deals with 24 acres of property east of the Connie Schick property off Highway 16. He explained why the property is not appropriate for residential development due to access issues and because surrounding land use is a mixture of non-residential uses. Mr. Halsan asked for support to change this 24 acres from Moderate Density Single Family to a Community Employment designation.

Councilmember Franich stressed that it was ludicrous for the County to allow the mini-storage facility to go in adjacent to this property due to access issues, and adding more to it would only cause more problems. He said that nothing should be done until alternate access could be developed.

Mr. Halsan continued to address Map Amendment No. 7, which involves 5.7 acres (not 20 as was incorrectly indicated in the application materials). He passed out a map, and gave a brief history of the property which was permitted as a sand and gravel mine; then later platted as 75 single-family residential lots; and then amended to 57 lots. This has resulted in a zoning boundary-line that includes 5.7 acres that should be Employment Center because the property in the middle of the map is going to be mined to an average 45' below the plat to the west and would leave a 200' wide gap next to an industrial area. He asked for support to change this to an Employment Center designation.

Walt Smith – 11302 Burnham Drive. Mr. Smith added more information on the site. He said that they are not asking for any support or assistance for develop, just a map correction.

James Morton – 820 A Street, Ste. 600, Tacoma. Mr. Morton explained that he is an attorney representing John Dimmer and Tracy Rutt in regards to the Map Amendment No. 8, which is property known as the Performance Golf Range located by the Narrows Bridge. He explained that originally this property was zoned commercial, and under the Comprehensive Plan, would allow many mixed uses. He continued to explain that the property is not included in the city's UGA, nor can Tacoma extend their UGA. Since the

condemnation and removal of the buffer by the state, there has been a flood of requests to explore possible ways to use the property so that it would be properly screened. He said that the owners are amenable to this suggestion, but not with an R-10 designation. He said that they are asking the city to step up and encourage the county to do something to change this to a Rural Neighborhood Center zoning designation to allow for low intensity, commercial use which would be compatible and complimentary to the area.

Mark Hoppen asked Mr. Morton why he was asking for the City Councilmember support on this property, as it was so far removed from the UGA. Mr. Morton responded that it was at the request of Representative Pat Lantz. Councilmember Young recommended that staff get in touch with Representative Pat Lantz's office to find out the intent, and Mr. Hoppen responded that he had already done so.

Councilmember Young stressed that that City Council is not the correct audience for this. Mr. Hoppen said that the only link with the city and this site would be the possible retail development that would cut into the city's market share. Mr. Morton said that it would be wrong for the city to respond that they don't want any change, as the citizens of this community would like to see something done. He suggested that perhaps a better response would be that although is not in the city's jurisdiction, it would be desirable that something be worked out.

John Vodopich asked for clarification on how he is to respond to the County on these three map amendments. Councilmembers asked for additional time to review the information, and asked Mr. Vodopich to bring this back on the January 10th agenda.

Councilmember Ekberg voiced his support of the Map Amendment No. 7. He continued to say that he agreed that there is an access problem with No. 6 which needs to be solved before any changes are made. Councilmember Ruffo agreed with these comments.

Councilmember Young said that he was glad that statistics are kept on land use, but there are many other factors that should be taken into consideration. He continued to explain that it is clear that the area in Map Amendment No. 7 is not desirable as a residential area and ED may be the correct designation.

6. First Reading of Ordinance – Update of Building Codes. Dick Bower, Building Official / Fire Marshal, explained that all three of these ordinances are updates to Title 17 of the Municipal Code. This first one brings the code into compliance with the State Building Code Act and adopts the International Family of Codes that deal with building. He gave an overview of the regulations being adopted. He said that he was involved in drafting a section in the Fire Code on marinas that since has been adopted by the State Building Code Council, and therefore, adopted statewide.

Councilmember Franich asked for clarification on the permit valuation is based on projected profit. Mr. Bower explained that in the building code industry, the valuation of

the project is based on all the things listed in the updates. He said that this is the currently the way it is being calculated. He said that it is based on the contractor's estimated value of the project, which can be applied to a square foot valuation that comes from the International Code Council. He added that the language has been added to the code for clarification. Councilmember Franich said that it doesn't seem right to charge a developer a building permit fee based on his profit. Mr. Bower and Councilmember Young explained that it is based on the value of the building when completed.

Councilmember Dick voiced concern with the removal of the language regarding nuisance abatement of dangerous buildings. Carol Morris explained that the next ordinance will have an alternative process to address this. This will return for a second reading at the next meeting.

7. First Reading of Ordinance – Building Code Advisory Board. Dick Bower said that these are minor corrections to Title 15 of the code, including separation of the section to facilitate future updates to the building code. Councilmember Young asked if the even number of Board Members could cause controversy. Mr. Bower said that this has yet to be an issue. This will return for a second reading at the next meeting.

8. First Reading of Ordinance – Flood Plan Regulations. Dick Bower said that there are minor, typographical changes to this ordinance. He said that allows the city to maintain compliance with the National Flood Insurance Program. He explained that the NFIP maps can be updated at the city's request, and the last time it was done in 1987. He continued to explain that we recently received slope stability studies and some other things as part of the mitigation plan. At this point, the maps seem fairly consistent. This will return for a second reading.

9. Resolution – Autumn Crest Final Plat. John Vodopich presented the resolution for the final plat of Autumn Crest located between McDonald and Soundview Avenue for a 21 lot subdivision. He recommended approval of the final plat with one condition that the plat certificate and the declaration of covenants, conditions and restrictions be recorded prior to issuance of building permits.

MOTION: Move to adopt Resolution No. 636 approving the final plat of the Autumn Crest Planned Residential Development with the condition that the plat certificate and the declaration of covenants, conditions and restrictions be recorded prior to issuance of building permits.
Ruffo / Ekberg – unanimously approved.

STAFF REPORTS:

1. GHPD – November Stats. No verbal report given.

2. Public Right(s) of Way Standards Update. Steven Misiurak, City Engineer, explained that this report provides an implementation schedule to incorporate the Chapter 4 that had been deleted from the Design Guidelines into the future Public

Works Standards. He added that in addition, a separate ordinance would be drafted to incorporate a section that addresses narrow street standards.

Councilmembers Ekberg and Young asked that this issue receive sufficient notification to allow for public comment. Councilmember Dick commented that the allowance of narrow streets would help to address density issues.

Councilmember Franich left the meeting at 10:20 p.m.

PUBLIC COMMENT:

Mary Souza – 5624 43rd Ave NW. Ms. Souza spoke on behalf of Mrs. Kausick, who owns property on the corner of Prentice and Burnham Drive. She recommended an exemption for short plats and boundary line adjustments from the development portion of the moratorium on acceptance of applications for new development or certain types of redevelopment within the height restriction area. She explained that short plats and boundary line adjustments are not relevant to building size, and she had been told that she could not apply due to the moratorium in place. John Vodopich was asked to look at the interpretation to clarify the ruling.

COUNCIL COMMENTS / MAYOR'S REPORT:

The Mayor asked Councilmembers to review the notebook of interest items located in the Council office.

ANNOUNCEMENT OF OTHER MEETINGS: No second Council Meeting in December.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b).

MOTION: Move to adjourn to Executive Session at 10:20 p.m. for approximately thirty minutes for the purpose of discussing pending litigation.
Ruffo / Young - unanimously approved.

MOTION: Move to return to regular session at 10:50 p.m.
Ekberg / Conan – unanimously approved.

MOTION: Move to go back into Executive Session for an additional thirty minutes.
Conan / Ekberg - unanimously approved.

MOTION: Move to return to regular session at 11:20 p.m.
Ekberg / Conan – unanimously approved.

MOTION: Move to authorize John Vodopich to increase the contract amount with Anchor Environmental up to an additional \$50,000 if needed, and bring back the amended contract to the January 10, 2005

Council Meeting. In addition, authorize John Vodopich to sign the Purchase and Sale Agreement for the Eddon Boat Property if all issues are resolved, provided that he calls to obtain a quorum of Councilmember votes.

Ekberg / Ruffo – unanimously approved.


MOTION: Move to adjourn at 11:20 p.m.
Ruffo / Conan – unanimously approved.

CD recorder utilized:

Disc #1 Tracks 1 – 17.

Disc #2 Tracks 1 – 13.

Disc #3 Tracks 1 – 10.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk