

## GIG HARBOR CITY COUNCIL MEETING OF JUNE 23, 2003

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

**CALL TO ORDER:** 7:05 p.m.

### **PLEDGE OF ALLEGIANCE**

### **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 June 9, 2003.
2. Roundabout Feasibility Study – Consultant Services Contract.
3. Liquor License Renewals: The Keeping Room; Harbor Rock Café; Hunan Garden; Kinza Teriyaki; Spiro's Bella Notte' Pizza.
4. Liquor License Application: Tokyo Teriyaki.
5. Approval of Payment of Bills for June 23, 2003.  
Checks #40409 through #40524 in the amount of \$204,067.52.

Mayor Wilbert commented on the intersection of Stinson and Harborview, explaining that at the time it was designed, it was determined that a roundabout wouldn't work due to the slope.

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

### **OLD BUSINESS:**

1. Notice of Intention to Commence Annexation Proceedings – Hazen Request (ANX 03-02). Community Development Director John Vodopich presented information for this proposed annexation, which lies east of Soundview Drive and north of 64<sup>th</sup> adjacent to the existing City limits. He advised Council of the required process, adding that no significant comments had been received from any agency, including the Pierce County Boundary Review Board, on the proposed annexation.

John called attention to an objective of the Boundary Review Board to prevent abnormally irregular boundaries, recommending that five additional parcels be added along the eastern boundary to prevent square up the area, increasing the total annexation to 11.03 acres. He further explained that the pre-annexation zoning for the area is R-1, which he proposed to remain the same. He answered Council's questions regarding the proposed annexation.

Linda Hazen – 2811 64<sup>th</sup> St. NW. Ms. Hazen said that she and her husband have lived on the property for eleven years, and recently began the process to short-plot and build on the site. When they discovered that they would have to go through the City of Gig Harbor for building permit approval as well as Pierce County, and that it would be

necessary to hook up to city sewer, they decided to explore annexation. She explained that they have full support of the other property owners in the original proposal, other than one neighbor living in Korea who they were unable to contact. She answered questions regarding the ownership of the streets in the annexation, which are private.

John addressed questions about the modified legal description and the need for it to come back for approval.

Councilmember Dick asked if the other property owners had been contacted about inclusion in the annexation. Ms. Hazen said that she has contacted them.

**MOTION:** Move to accept the notice of intent to commence annexation and further authorize the circulation of a petition to annex the subject property, subject to the three conditions outlined by staff.  
Ruffo / Owel – six voted in favor. Councilmember Franich voted no.

2. Requested Amendment to the Pierce County Comprehensive Plan. John Vodopich explained that Council had requested further information on the proposed amendments at the last meeting. He said that he had contacted the applicants and included the additional information in the Staff Memo. He said that he also has included a draft letter to Pierce County for consideration.

Paul Miller – 917 Pacific Avenue, Tacoma. Mr. Miller said that there are distinctions between his four parcels and the Roby/Campen property, and suggested that they be considered separately. He explained that the only access to his four parcels is through an Employment Center District, creating a conflict in use if the property is left as a Rural-5 or Reserve-5 designation. He further explained that the property had been included the UGA until amendments were made to the Comprehensive Plan, and was part of an annexation process that had been halted due to the recent state ruling. He requested that Council continue to recommend that the properties be brought back in with the surrounding Employment Center District.

Geoff Moore – representing the Campen / Roby Families. Mr. Moore used maps to illustrate his client's property, which is located just north of the Miller site. He described the property and the plan for dividing the property into two zones, with the western portion to remain residential and the eastern portion to be developed similarly to the adjacent Employment Center. He said that they were too late to join in the Scannell Annexation effort, but have continued to plan for the property. He said that wetlands mapping has shown that 15% of the property is wetland, leaving over 30 acres of developable ground. He continued to describe the process they have taken to amend their application with Pierce County, adding that they would like to be included in the UGA and to develop the property with Employment Center zoning.

Councilmember Ruffo asked for clarification from John Vodopich regarding the staff recommendation to treat the Miller and the Campen / Roby applications similar. John explained that because the environmental conditions and the buildable lands issues apply to both properties, he recommended that they be treated similarly.

Councilmember Ruffo suggested that the letter to Pierce County be amended to include both properties as E.C.

Councilmember Franich asked John if the city has an overabundance of residential or business park property. John said that the September 2002 Buildable Lands Report showed an excessive amount of land designated as employment center and insufficient residential land for the 20-year population projection. He added that this figure is being amended, bringing these figures down.

Mark Hoppen pointed out that this estimation is based solely on the population located within the UGA and doesn't take into account the captive population on the Gig Harbor Peninsula, making it an unrealistic estimate.

**MOTION:** Move that we modify the letter so that the last paragraph would read that we include both properties in the E.C.  
Ruffo / Owel –

Helen Nupp, 9229 66<sup>th</sup> Ave NW, Gig Harbor WA 98332 – Ms. Nupp stated that she had not changed her opinion from the June 9<sup>th</sup> meeting. She said that she and her husband have lived on the Roby property for 30 years and have worked hard to preserve the property. She continued to explain that in 1996 the property was being proposed for a conservation easement, adding that the property holds a wonderful second growth forest and lies on three separate watersheds, which hold cutthroat trout. She concluded that inclusion of this property in the UGA is not warranted at this time.

Councilmember Franich voiced concerns with the Tacoma Narrows Airport amendment, and thanked Councilmember Dick for sharing information with him regarding this proposal.

Mark Hoppen introduced Mike Krueger, Pierce County Planning, and asked him to address questions on the Tacoma Narrows Airport amendment.

Mr. Krueger gave an overview of the appeal filed with the Growth Management Board regarding the regulations to implement the Gig Harbor Community Plan, which provides a outline of an agreement between the county Executive and the Mayor of Tacoma regarding the way the development will occur at the airport and how the permitting process will occur. He said that Tacoma has concluded that they are no longer in favor of this agreement.

He explained that the City of Tacoma has also filed a plan amendment that would modify the language in the community plan on what could occur at that location. He said that the existing, adopted plan would prohibit any development north of Stone Road other than for runway safety measures, and that Tacoma feels that this is in violation of the grant obligation from the FAA Grant. Tacoma would like to pursue other types of aviation and non-aviation related development in that area. He continued to explain that Pierce County has concerns with this in regards to the Growth Management Act, and

that this issue is currently in negotiation between Pierce County and Tacoma. He stressed that Pierce County is trying to hold with the agreement developed by Gig Harbor area residents. He answered Council's questions regarding the projected outcome, commenting that the Community Plan had received support from the City of Tacoma at the time of adoption, and based upon other Hearing's Board decisions, you can't appeal the regulations that implement a plan if the plan was deemed valid.

Councilmembers thanked Mr. Krueger for his comments and agreed that the language in the proposed letter to Pierce County regarding the Tacoma Narrows Airport was sufficient.

Councilmember Young then made a motion to consider the different parts of the letter separately.

**MOTION:** Move to consider each of the issues in the letter separately.  
Young / Ruffo –

Councilmember Young explained that his reasoning for the motion is that although the Miller and Roby / Campen properties are adjacent, they have separate issues. He stressed that two terrible planning issues had been discussed tonight; one, that straight lines are good; and two, the idea that because two properties are adjacent they are identical. He said that these ideas are what have created the current sprawl. He further explained that the access point to the Miller property is an important issue and residents should not have to access their property through an industrial zone.

Councilmember Young continued to say that he was concerned with the idea that there is too much of a certain type of property in Gig Harbor, explaining that many of these statements have been disproved. He said that the Council should decide what is best for the community, stressing that it is an issue of what best fits. He said that he didn't know much about the Roby / Campen property, and although it makes sense for it to belong to the UGA, he wasn't convinced that the E.D. zoning makes sense.

There was further discussion on the meaning of the motion made by Councilmember Young. Councilmember Ruffo withdrew his second as he said that he didn't understand the intent of the motion.

**MOTION:** Move to consider each of the issues in the letter separately.  
Young / Owel – unanimously approved.

**MOTION:** Move to approve the paragraph regarding T-18 Tacoma Narrows Airport and M-9 City of Tacoma as written.  
Picinich / Ruffo – unanimously approved.

**MOTION:** Move to approve the staff recommendation regarding U-11 Watland.  
Young / Ruffo – unanimously approved.

**MOTION:** Move to accept the recommendation for the U-12 Miller Property.  
Ruffo / Picinich –

John Vodopich asked for clarification on the language for the letter and it was suggested to use the language from the February 11<sup>th</sup> letter recommending approval of the Miller property. This was agreed upon and the motion restated as such.

**AMENDED MOTION:** Move to accept the recommendation for inclusion of the U-12 Miller Property.  
Picinich / Ruffo – a roll call vote was taken.

Ekberg – no; Young – yes; Franich – no; Owel – yes; Dick – yes; Picinich – yes; Ruffo – yes. The motion passed five to two.

**MOTION:** Move to deny the U-13 Roby / Campen application.  
Picinich / Franich –

Councilmember Young asked for clarification for the denial. Councilmember Franich said that he believed that the Buildable Lands Survey should be considered and that it was premature to zone this property as E.C.

There was continued discussion regarding the existing zoning adjacent to this property, which is E.D. Councilmember Ruffo said that based upon the staff's recommendation, the Roby / Campen property should be treated the same as the Miller property.

Councilmember Dick explained that access to the Roby / Campen property off Bujacich would not require them to suffer the indignity of having to travel through an E.C. district. John Vodopich answered questions about the zoning adjacent to the property.

Councilmember Young said now that he had been made aware of the adjacent zoning, it could be argued that both properties should be treated the same, as the access off Bujacich is also "industrial" in nature.

Councilmember Ekberg said that he agreed with staff that these properties should be treated the same, and further explained that there isn't the need to take residential land from the county and move it into the city as Employment District, which is why he voted as he did on the Miller property, and would vote favorably on the current motion to deny.

**RESTATED MOTION:** Move to deny the U-13 Roby / Campen application.  
Picinich / Franich –

Ekberg – yes; Young – no; Franich – yes; Owel – no; Dick – yes; Picinich – yes; Ruffo – no. The motion passed, four to three.

**NEW BUSINESS:**

1. First Reading of Ordinance – Accepting a Donation from Evie and Gene Lynn for Purchase of an Original Oil Painting. Mark Hoppen explained that Mr. and Mrs. Lynn had donated \$1200 for the purchase of a painting to hang in the Civic Center. Mayor Wilbert asked for clarification of the requirement for acceptance of gifts, and was advised that any gift to an employee on behalf of the city of nominal value would require this to be done by ordinance to avoid an audit finding. This will return for a second reading at the next meeting.

2. Notice of Intention to Commence Annexation Proceedings – North Donkey Creek (ANX 03-03). John Vodopich presented this annexation effort located off Burnham Drive across from the Sportsman Club. He recommended a date of July 28<sup>th</sup> to meet with the applicants and answered questions regarding location and zoning.

**MOTION:** Move to set a date of July 28<sup>th</sup> to meet with the initiating parties for this Annexation 03-03.  
Franich / Young – unanimously approved.

3. Resolution Fixing a Time and Date for a Hearing on the Final Assessment Roll for Local Improvement District No. 99-1. David Rodenbach, Finance Director, explained that this resolution would set a date of July 28, 2003 for the hearing on the Final Assessment Roll for LID No. 99-1. He explained that Bond Counsel would be present at that meeting to answer questions.

**MOTION:** Move to adopt Resolution No. 610 setting a date of July 28, 2003 for the hearing.  
Young / Ruffo – unanimously approved.

4. Proposed Kayak Dock – Consultant Services Contract. John Vodopich explained that \$15,000 had been budgeted for a kayak dock and timed restroom locks at Jerisich Park. He said that the timelocks have been installed at a cost of \$1,450; the cost of the float has risen to \$18,280; and the Department of Fish and Wildlife is now requiring a submerged vegetation survey, which will cost an additional \$4200.

John said that a need to re-roof the Skansie Netshed and the Wilkinson Farmhouse has been identified, and due to the increase in costs to install a float, he made a recommendation to defer the remaining funds to be used to re-roof the two structures.

Mayor Wilbert commented that the kayakers present a fine recreational opportunity and the bay is a good place for this sport. She added that she has a Contingency Fund that she would be willing to contribute for the vegetation survey, if Council so wished.

Councilmember Franich said that he supports the staff recommendation, as the roofing issues are critical. He added that the kayaks are currently able to launch into the bay. Councilmember Ekberg agreed.

**MOTION:** Move we defer the construction of the kayak float and transfer the funds to re-roof the Skansie Netshed and the Wilkinson Farmhouse.  
Ruffo / Owel – unanimously approved.

**STAFF REPORTS:**

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

**PUBLIC COMMENT:**

Jack Bujacich – 3606 Ross Avenue. Mr. Bujacich suggested that the Council review the tape of the meeting, as there was a motion on the floor to accept the staff recommendation to consider the two parcels the same (referring to the Miller and Roby / Campen properties.) He said that the second motion by Councilmember Young had been acted upon, leaving the original motion on the table without a vote.

Councilmembers agreed that this was correct, and Councilmember Young explained that a motion to divide a motion is allowed, and apologized if he had done it improperly.

Mr. Bujacich said that he had walked the entire Roby / Campen property, and that he believes that five-acre parcels aren't suitable. He explained that if they need to be hooked to sewer and water, the assessment for a five-acre parcel wouldn't be feasible. He asked Council to reconsider their decision.

**COUNCIL COMMENTS / MAYOR'S REPORT:**

Councilmember Franich apologized for coming late to the meeting and asked about the Roundabout Feasibility Study on the Consent Agenda. He asked if grading issues at this intersection would be considered. Mark Hoppen explained that this is one of the major aspects of the project along with the assessment of utilities and the need to acquire additional property to install a roundabout. The merits of other options for the intersection were discussed.

Mayor Wilbert described a seminar program by Dr. Kevin Gilmartin on Domestic Violence. She said that she was donating the book, Emotional Survival for Law Enforcement, A Guide for Officers and their Families to the staff for review.

Mayor Wilbert asked for input on a date for the yearly Council Retreat. Members will contact the City Clerk with available dates.

The Mayor then gave an update on the progress of the Bogue Building Volunteer Center, adding that Mark would give a more detailed report at the next meeting. She continued shared a letter asking her to be a co-sponsor to the Maritime Floating Forum to talk about water-taxis in Puget Sound. She said that she and Mark had met with Tom Jones, who was hired by the Port of Tacoma to review this information.

**EXECUTIVE SESSION:** For the purpose of discussing property acquisition per RCW 42.30.110(1)(i), and pending litigation per RCW 42.30.110(1)(i).

**MOTION:** Move to adjourn to Executive Session for approximately ten minutes to discuss property acquisition and pending litigation at 8:45 p.m.  
Ruffo / Franich - unanimously approved.

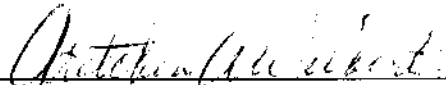
**MOTION:** Move to return to regular session at 9:00 p.m.  
Ruffo / Dick - unanimously approved.

**MOTION:** Move to authorize the approval of the purchase and sale agreement with the Hific Six Associates for \$758,000.00.  
Dick / Picinich – six voted in favor. Councilmember Franich voted no.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:00 p.m.  
Ekberg / Franich - six voted in favor. Councilmember Owel voted no.

CD recorder utilized:  
Disc #1 Tracks 1 – 12  
Disc #2 Tracks 1 - 4

  
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Gretchen Wilbert, Mayor

  
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Molly Towslee, City Clerk