

GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 12, 2001

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

CALL TO ORDER: 7:10 p.m.

PUBLIC HEARING:

1. **PUD/PRD Ordinances.** Mayor Wilbert separated the public hearings on these ordinances. She opened the public hearing on the PUD ordinance at 7:10 p.m.

John Vodopich, Planning Director, explained that this was a public hearing on the revised PUD ordinance. He then recommended that any action on the extension on the moratorium, agenda item number two, be delayed until action on the other readings took place.

David Folsom - 3160 Anne Marie Court. Mr. Folsom said that he had just received a copy of the revised PUD ordinance, and hadn't had the time to do an adequate review. He voiced several concerns with the amendments, and said that due to the significant changes to the ordinance, Council should not to take action until the public had further time to review the documents.

John Mayer - 7512 Stanich. Mr. Mayer spoke about the PUD's impact on neighboring properties. He added that a PUD was a way around the existing zoning. He said that the code should be specific enough to protect surrounding property owners as well as the developers.

John Hogan - 4709 Pt. Fosdick. Mr. Hogan said that he had not had the time to fully analyze the document. He said that he was pleased with the amendments and spoke in favor of the revised the PUD ordinance.

Walt Smith - 11302 Burnham Drive. Mr. Smith also asked that action not be taken on the PUD ordinance until there had been an adequate time for review. He spoke in favor of the flexibility for increase in height and size, but said that more could be done.

Mayor Wilbert closed the public hearing on revisions to the PUD ordinance at 7:24 p.m. and opened the public hearing on the PRD ordinance.

John Vodopich explained that revisions had been made to the ordinance since the last reading at Council's direction to incorporate a definition of open space to clarify the use and to include a requirement that all roads must be built to city standards and be designated as public roads.

No one signed up to speak on this item and the Mayor closed the public hearing at 7: 26 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 Meetings of January 22, 2001.
2. Correspondence / Proclamations: Gig Harbor Group Home.
3. Special Occasion Liquor License - Beta Sigma Phi.
4. Inflow and Infiltration Study - Consultant Services Contract.
5. Burnham Drive Waterline Project - Construction Participation Agreement.
6. Approval of Payment of Bills for February 12, 2001.
Checks #31888 through #32070 in the amount of \$237,603.01. Voided Check #31893.
7. Approval of Payment of Payroll for January, 2001.
Checks #555 through #604 in the amount of \$185,420.91.

MOTION: Move to approve the Consent Agenda, with corrections to the minutes of 1/22/01.
Picinich/Ruffo - unanimously approved.

OLD BUSINESS:

1. First Reading of Ordinance - Amendments to Section 17.90 - Planned Unit Developments. John Vodopich presented this first reading of a revised ordinance relating to Planned Unit Developments. He recommended a study-session if further consideration on the proposed amendments was required. Councilmembers asked questions and voiced their concerns with the amendments and the comments made during the public hearing.

MOTION: Move that we schedule a work study-session on the PUD amendments.
Picinich/Ruffo -

John Vodopich asked that action on this motion be delayed until a decision on whether to repeal the PUD ordinance, agenda item number three, had been considered. After discussion the following amendment to the motion was made.

AMENDED MOTION: Move to amend the motion to have a second public hearing on revisions to the PUD ordinance and then schedule a worksession if required.
Owel/Ruffo - Five Councilmembers voted in favor.
Councilmembers Ekberg and Young voted against the motion. The motion carried 5 - 2.

2. Second Reading of Ordinance - Repealing Section 17.90 of the GHMC - Planned Unit Developments. Mr. Vodopich presented this ordinance and answered Council's questions.

MOTION: Move that the ordinance to repeal the PUD will be held over to the next meeting.

Dick/Ruffo - Five Councilmembers voted in favor. Councilmembers Ekberg and Young voted against the motion. The motion carried 5 - 2.

3. Second Reading of Ordinance - Amendments to the Planned Residential Development Ordinance. John Vodopich introduced this second reading of an ordinance amending the Planned Residential Development code.

MOTION: Move to adopt Ordinance No. 863.
Ekberg/Owel -

Councilmember Pasin voiced concern on the gross floor areas section of the ordinance. Pat Iolavera explained that this language was to help staff calculate the percentage and to clarify the application. Amendments to the ordinance were recommended to change "gross floor area" to "density" throughout the document to clarify that this pertains to residential rather than commercial development. Councilmember Dick recommended further language changes for clarification to the open space section. Carol Morris, Legal Counsel, explained that these reflected substantial changes to the ordinance, requiring another reading before action could be taken.

Councilmember Ekberg withdrew his motion. Councilmember Owel withdrew her second to the motion.

4. Second Reading of Ordinance - Definitions - 17.04. John Vodopich presented this ordinance relating to include several definitions to Section 17.04 of the Gig Harbor Municipal Code and recommended approval of this ordinance.

MOTION: Move to adopt Ordinance No. 863.
Picinich/Ruffo - unanimously approved.

5. Second Reading of Ordinance - Amendments to Title 19 - Type IIIA Permits - PUD. John Vodopich presented this ordinance amending Title 19 to clarify that PUDs/PRDs are a Type III permit. He answered Council's questions. A typographical error on the table contained in the ordinance was discussed.

MOTION: Move to adopt Ordinance No. 864 with corrections to the table.
Dick/Picinich - unanimously approved.

6. Second Reading of Ordinance - Amendment to Title 16 GHMC - Type IIIA Permits and Final Plat Extensions. John Vodopich presented this ordinance for amendments to Title 16. He said that at the advise of legal counsel, he asked that action on this be continued to the next meeting due to changes in Section 3.

MOTION: Move to continue this ordinance to the next meeting.
Dick/Picinich - unanimously approved.

7. Ordinance Extending Moratorium on Acceptance of PUD Applications. John Vodopich explained that this ordinance would continue the moratorium on acceptance of PUD applications until June 11th to allow for further consideration of the PUD ordinance. Carol Morris explained that the moratorium could be abolished earlier than that date by ordinance.

MOTION: Move to adopt Ordinance No. 865.
Dick/Picinich - Six voted in favor. Councilmember Young voted against the motion. The motion carried 6 - 1.

8. Continuance of Annexation Proceedings - 57th St. Ct. NW & 28th Ave. NW. John Vodopich addressed both agenda items eight and nine in this presentation. He explained that staff had prepared a map that identified the areas commencing the annexation process marked. He said that in addition, the map showed six other properties, in which the owners had recently approached the city requesting to be included in the annexation. He advised Council that these properties were identified on the map, as it was within Council's authority to accept, reject or modify the boundaries of any annexation coming before them.

Mr. Vodopich explained that staff had worked with the proponents of the 57th St. Ct. NW and 28th Ave. NW to modify the legal description at Council's direction at the last meeting. He recommended that Council accept the annexation of the these three parcels together with the adoption of the R-1 zoning, subject to several conditions. Condition number one is that the geographic boundaries of the annexation be modified to include those portions of 57th St. Ct. NW and 28th Avenue NW as described in a letter from North Pacific Design, dated February 6, 2001. The second condition is that the property owner(s) shall enter into a pre-annexation agreement with the Department of Public Works regarding the level of street improvements necessary to bring 57th Street Court NW up to City road standards within one-year of annexation. The third condition is that the City shall require that the property owner(s) assume all of the existing indebtedness of the area being annexed.

MOTION: Move that we approve the circulation of the petition to annex three parcels located at the intersection of 57th Street Court NW and 28th Avenue NW, subject to the three conditions previously read by staff.
Dick/Ekberg - unanimously approved.

9. Notice of Intent to Commence Annexation Proceedings - 62nd Street Court NW. John Vodopich presented this annexation effort and explained that this had come before Council in December, at which time concerns over drywells along the driveway were brought up. He added that the issue had been addressed, and were of no concern to the Public Works Department. He recommended that Council accept the submission of the 60% petition for the annexation of these four parcels subject to one condition, that the owners assume all existing indebtedness of the of area being annexed.

Joe Mancuso - 62nd St. Ct. NW. Mr. Mancuso voiced full support of the annexation.

MOTION: Move that we accept the annexation petition for the four parcels with the condition that the city would require that the owners assume all existing indebtedness of the of area being annexed.
Picinich/Ruffo - unanimously approved.

NEW BUSINESS:

1. Pierce County Gig Harbor Peninsula Community Plan - Citizen Recommended Change. John Vodopich presented a request from Mr. Jay Watland for his property located on Point Fosdick Drive to be included in the City's Urban Growth Area in the upcoming community planning effort with Pierce County.

Jay Watland - 9610 85th Ave NW. Mr. Watland offered to answer any questions that might arise. He gave a description of the bordering properties and added that his was one of the few remaining properties along Pt. Fosdick that remained undeveloped. He explained that the plan for the property was to be developed as single-family residential.

MOTION: Move we support Mr. Watland's request to be included in the city's UGA.
Ruffo/Picinich - unanimously approved.

2. First Reading or Ordinance - Arts Commission. Mark Hoppen, City Administrator, presented this ordinance to form an Arts Commission to address the process to develop and manage fine and performing arts-related proposals in the city.

Councilmember Ekberg had to leave the Council Chambers at this time, at 8:30 p.m.

Shirley Tomasi - 11107 Hallstrom Drive NW. Ms. Tomasi spoke in support of the formation of the formation of an Arts Commission as a vehicle to partner with the city to facilitate the arts.

Comments from Council were favorable. This ordinance will return for a second reading at the next meeting.

3. Annual Transportation Capacity Report - SCA Consulting Group. David Skinner, Public Works Director, explained that 2000 was the first time that the city had planned under the Concurrency Ordinance, which included a requirement to prepare an annual report of concurrency. He introduced Perry Shea and Susan Graham from SCA Consulting Group to make a brief presentation on the report and answer any questions.

Mayor Wilbert asked that Agenda Item 11 be moved to this point, as there were young people in the audience who had waited to speak on the Skatepark Ordinance.

4. First Reading of Ordinance - Skateboard Use. Mark Hoppen explained that this was a housekeeping ordinance to update the enforcement ability at the Skatepark expressing the position relative to BMX bikes, which are damaging the surface of the finish of the Skatepark. He addressed several Council's questions.

Ryan McGlone - 5426 99th Ave. NW. Mr. McGlone explained that he was a BMX bike rider, that that he disagreed that the bikes damage the surface of the park, and said that he thought that the bikes should be allowed to share the park. He talked about other parks, the number of local riders and safety issues. He said that he was willing to serve on a committee to develop a plan to build a future BMX bike park.

Derek Felt - 8520 David Day Road Mr. Felt said that the bikes co-exist with the skaters safely, and that the worst injuries were caused by collisions between scooters and skaters, and skaters with little experience. He agreed that it would be good for the bikers to be able to use the park.

Dominick Serka - 7322 38th Street. Mr. Circa said that there were ways to mitigate damage to the surface by requiring "park-specific" pegs with aluminum end caps, or the ends could be taped. He said that all users of the park, not just bikes, will damage the surface.

The Mayor announced a short recess at 9:40 p.m. The meeting resumed at 9:50 p.m.

5. First Reading of Ordinance - Amending Ordinance 858 - Stormwater Development Standards. Carol Morris explained that this ordinance amends one previously passed to reflect the city's current enforcement procedures. She added that there were two ordinances for consideration, one to amend the stormwater drainage code to reference the current enforcement procedure, which is outlined in the second ordinance adopting a new chapter 12.17, which follows as the next agenda item. These both will return for a second reading at the next meeting.

6. First Reading of Ordinance - Adding Chapter 12.17 to the Gig Harbor Municipal Code - Enforcement Procedures. This was addressed during the previous agenda item.

7. Resolution - Public Hearing for Street Vacation of Front Street. Mr. Skinner explained that this was a request to vacate Front Street, between Austin and Burnham Drive. He added that this street contains no improvements and that research indicates that because improvements were not completed within five years of the establishment, ownership is relinquished back to the property owners. He said that this resolution is to set the public hearing for a first reading of an ordinance to vacate the street.

MOTION: Move to adopt Resolution No. 563, setting the public hearing for February 26, 2001.

Owel/Picinich - unanimously approved.

8. First Reading of Ordinance - Definitions for Museum. Mr. Vodopich addressed the next three agenda items in this presentation. He explained that this is the first reading of three ordinances as they pertain to the Gig Harbor Historical Society. He added that staff had been working closely with the Historical Society to facilitate the new location of the museum on the property located just north of the Borgen Property. He explained that the first ordinance was to add new definitions for a community recreation hall, art gallery, museum, and non-profit organization. He said that the second ordinance was to include public institutional museum and rental-hall facilities as an accessory to a permitted use, and to outline hours of operation. The

final ordinance is to re-zone the property as public institutional. He recommended adoption of these three ordinances when they return for a second reading at the next meeting.

9. First Reading of Ordinance - Amendments to 17.15 - Museums and Recreation Halls. This was addressed previously.

10. First Reading of Ordinance - Establishing Zoning of Public Institutional Property. This was addressed previously.

11. First Reading of Ordinance - Easements for Fire Equipment Emergency Access and Maintenance of Fire Protection Systems. Mr. Vodopich presented this ordinance with proposed amendments to Title 15 recommended by legal counsel to clarify when recorded easements were required to allow access across private property for fire district personnel. He added that the previous concerns raised by Public Works had been addressed and recommended approval of the ordinance at its second reading.

12. Addition to the City of Gig Harbor Job Descriptions. Mark Hoppen explained that in the 2001 Budget, the Senior Planner and Information Systems Manager positions were approved and these job descriptions reflect the addition of these descriptions.

MOTION: Move to add the positions of Senior Planner and Information Systems Manager to the *Gig Harbor Job Descriptions*.
Ruffo/Owel - unanimously approved.

13. Land Use Hearing Examiner - Request for Proposal. Mr. Vodopich explained that in January the Council moved to approve the contract extension with McConnell Burke for professional hearing examiner services through the month of June, and directed staff to prepare a Request for Proposal for the services. He asked for direction on the minimum qualifications and whether or not the hearing examiner should be an attorney.

MOTION: Move to amend the Education section of the RFP to read "A Juris Doctor degree together with a license to practice law in the State of Washington and to approve the release of the RFP."
Picinich/Owel - five voted in favor. Councilmember Ruffo voted against the motion.

14. Agenda Protocol. Mark Hoppen explained that Councilmember Ruffo had asked that this issue be placed on the agenda to clarify the process by which an item can be placed on the agenda. Councilmember Ruffo explained that he wanted to address this to avoid any action by Council of a non-emergency nature, and to allow the public to respond. Mr. Hoppen explained that Council can add an item to the agenda at any time. Councilmembers discussed several issues in regards to how the agenda is prepared and in regards to the lack of time to review and amend the agenda before the meeting. It was decided that if a Councilmember wished to add an agenda item on the evening of a Council Meeting, it would be done at the beginning of the

meeting. Staff was requested that staff have draft agenda titles available for review the previous Wednesday before the Council meeting to allow more time for review.

15. Council Committee Appointment and Mayor Pro Tem. Mayor Wilbert presented her recommendations for the Advisory Committees for 2001.

MOTION: Move to approve the recommendation for the Council Committee Appointments for 2001.
Ruffo/Young - unanimously approved.

STAFF REPORTS: None scheduled.

PUBLIC COMMENTS: None.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert reported on several pieces of correspondence. She gave a presentation on the Mosquito Fleet invited Council to go along for a boat ride on Wednesday, February 21, from the Shoreline Restaurant to Thea Foss Waterway, and Thursday, February 22nd to Olympia and back.

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.31.110(i).

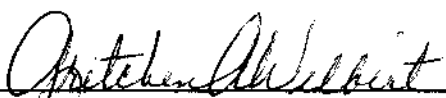
MOTION: Move to adjourn to executive session at 10:47 p.m. for approximately 10 minutes.
Picinich/Ruffo - unanimously approved.

MOTION: Move to return to regular session at 10:56 p.m.
Ruffo/Picinich - unanimously approved.


ADJOURN:

MOTION: Move to adjourn at 11:01 p.m.
Ruffo/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 604 Side A 359 - end.
Tape 604 Side B 000 - end.
Tape 605 Both Sides.
Tape 606 Both Sides.
Tape 607 Side A 000 - end.
Tape 607 Side B 000 - 236.



Mayor



City Clerk