

GIG HARBOR CITY COUNCIL MEETING OF APRIL 23, 2001

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

CALL TO ORDER: 7:03 p.m.

SPECIAL PRESENTATION: None.

PUBLIC HEARING:

Prior to opening the public hearings, Mayor Wilbert introduced Jaci Parrish acting as substitute for the vacationing City Clerk, Molly Towslee.

1. Update to Comprehensive Parks Plan. David Skinner, Public Works Director, introduced the update to the Park, Recreation and Open Space Plan element of the Comprehensive Plan. The plan was developed by Tom Beckwith and staff, with input from the Planning Commission, the Citizen Park Advisory Committee and a comprehensive telephone survey. Mr. Skinner explained that this is the first of several meetings open for public comment before the Comprehensive Parks Plan is returned to City Council for adoption.

Mayor Wilbert opened the public hearing on the Comprehensive Park Plan at 7:06 p.m. The public was informed that hard copies of the plan are currently available for purchase or review at the Public Works Department and copies will also become available on the web and for purchase on CD by the end of the week.

Nick Tarabocia – 2788 Harborview Drive. Mr. Tarabocia said he considered the plan to be well thought out and presented; however, it did raise several issues concerning both the proposed covered picnic area at the ferry landing and the Shoreline Trail Project. He stated that construction of the picnic area would impede his ability to conduct his commercial fishing business by limiting available space needed to maneuver his vehicles and equipment. He quoted both the City's 1994 Master Shoreline Program as well as the City's Visionary report of 1992 to support his argument that the fishing community and character of the City should be a "primary consideration in evaluating the effects of a shoreline proposal." In addition, a covered picnic area at the ferry landing would likely create parking issues. Mr. Tarabocia stated that many in the beach community had opposed this construction on previous occasions and would rather see improvements to basic services such as sewer, water, fire and police which would directly benefit the taxpayers.

Mr. Tarabocia also voiced concern regarding the Shoreline Trail Project and issues of liability which could arise from ingress and egress through his property. Visitors to the trail stranded during rising tides and seeking assistance from nearby property owners needs to be a consideration. Mr. Tarabocia summarized by stating that Council should reconsider these portions of the plan.

Paul Cyr – 4102 55th St. Ct.

Mr. Cyr thanked Mayor Wilbert and Council for their cooperative efforts in working with Parks and Recreation in conjunction with Pierce County. He said that Council has supported many efforts in this area intended to benefit not only Gig Harbor residents, but also County residents. He gave examples of both successful, and unsuccessful, efforts including Jim Tallman's proposal of a ball field and the powerline trail project which will be constructed in 1-2 years. Mr. Cyr also commented on the Recreational Survey and how YMCA ranked as the most desired project.

Melinda Stuart – 2813 Harborview Drive.

Ms. Stuart stated that she was primarily concerned with increased traffic and illegal activities that a covered picnic area might bring about. She asked Council to consider the impact to area families, children and seniors. Ms. Stuart explained that she wants this area to remain a place that the public can enjoy, but that it should not become a destination point. Rather, she expressed her desire to see simple, basic improvements made to the streets, sidewalks, etc.

Kathy Bunger – member of Gig Harbor beach community.

Ms. Bunger stated that she was appearing before Council once again to speak against the Trail Project. She said she is concerned with the time and money involved in reviewing this same issue over again. Ms. Bunger's primary concern, however, regarded issues of liability resulting from stranded trail visitors entering her property.

The Mayor closed the public hearing at 7:35 p.m.

2. Update to Comprehensive Storm Water Plan. Dave Skinner introduced the new Storm Water element of the Comprehensive Plan. He explained that it includes updated features consistent with the Department of Ecology and is used to enforce development regulations related to storm water quantity and quality treatment. Mr. Skinner stated that the plan deals with upgrades to facilities as well as treatment and conveyance of storm water. He also mentioned that it fulfilled storm water recommendations from the last Comprehensive Plan. Mr. Skinner explained that the plan addresses drainage and retention ponds, conveyances, culverts, drainage pipe sizes to prevent flooding (which relates to capital facility programs and projects), and treatment to maintain water quality before discharging into the bay. The plan also addresses culverts for both private property and city property.

Mr. Skinner answered questions from the Council and confirmed that the plan also reflects the recommendations of the Watershed Action Plan. He explained that there is mutual review for consistency with Pierce County's Comprehensive Plan, and the Dept of Ecology ensures consistency as well because it regulates the treatment of storm water and requires that all agencies treat it the same. Mr. Skinner also answered questions regarding the recycling of storm water and said it is not a viable option because the level of toxicity is too complicated and costly to treat for re-use. Storm water is only treated to the required level for release. Some recycling occurs, however, by users such as the school district who collect, treat and re-use water for bus washing.

David Folsom – 3160 Ann Marie Ct.

Mr. Folsom spoke positively about the Storm Water Comprehensive Plan, but said it failed to adequately address two critical issues: protecting Donkey Creek and the Coho salmon spawning grounds, and conserving our water supply. He spoke in favor of a conservative approach on both issues. Mr. Folsom suggested that we protect Donkey Creek and the salmon spawning grounds until the creek is officially declared “protected” either by a future government agency (he believes Council should make a clear policy decision on this issue) or until a court decision is made. He noted that it would be much more costly to rectify down the road if development is allowed and the creek is later declared protected, than it would be to take a conservative approach at this time. With regard to conserving our water supply, Mr. Folsom advocates a slow build up of new water rights each year and careful monitoring of the water supply until we are able to identify the “recharge” areas and determine how much excess water supply really exists.

Dave Skinner responded to questions from the Council. He answered that in addition to reviewing past studies, a team of consultants from the University of Washington have been hired to conduct a current study on recharge areas. Their study is scheduled to begin in June, 2000 and is expected to be completed within 18-24 months. Mr. Skinner also mentioned that the issues of recharge and of Donkey Creek are covered in the Park, Recreation and Open Space portion of the Comprehensive Plan.

Mr. Skinner answered further questions from Council and noted that a contract exists with the Brennan Group to look at replacement options for the culvert at Donkey Creek. He further stated that the storm water plan was submitted to the Department of Ecology. The Public Works Department is preparing an updated draft, based on the Department of Ecology’s comments, which is expected to be completed in a few weeks.

Barbara Ann Smolko, Pierce County Water Programs

Ms. Smolko offered her services to track down information on water supply and related issues. She has worked previously with Pierce County in the same capacity while they were doing their community plan. Other water studies are also available including a Gig Harbor groundwater study, a study conducted by the Health Department, etc.

Mayor Wilbert closed the public hearing at 7:55 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 April 9, 2001.
2. Correspondence / Proclamations:
 - a) Proclamation - Suicide Awareness Day.
 - b) Proclamation – Buffalo Days.
 - c) Proclamation – Earth Week.
 - d) Letter from Ron Sims, Paul Schell, Dennis McLerran & Blair Henry.
3. 56th and Olympic Drive Improvements Survey Services - Consultant Services Contract.
4. Approval of Payment of Bills for April 23, 2001.
Checks #32582 through #32693 in the amount of \$242,633.46.

Mayor Wilbert introduced Holly D'Annunzio and Chris Clifton, members of the Gig Harbor Key Peninsula Arbor Day Foundation. Ms. D'Annunzio gave a brief overview of the celebration and activities scheduled for Arbor Day, Saturday, April 28th, and presented the Mayor and each of the Councilmembers with copies of the winning Arbor Day poem and poster. Mayor Wilbert presented the Arbor Day members with a Proclamation for Earth Week and Mr. Clifton provided an Arbor Day flag to Mr. Skinner to be displayed on Arbor Day.

MOTION: Move to approve the Consent Agenda as presented.
Ruffo/Owel – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Donation to Skatepark. Dave Rodenbach, Finance Director, presented this ordinance to accept a \$500 donation from the Gig Harbor Skate Park Committee.

MOTION: Move to adopt Ordinance No. 883.
Dick/Picinich – unanimously approved.

2. 62nd St. Ct. NW Annexation – Revisions to Legal Description and Map. John Vodopich, Planning Director, presented a revised legal description and map requested by the Pierce County Review Board. The legal description and map are required in order to proceed with their certification of the 62nd St. Ct. NW annexation petition accepted by Council on February 12, 2001.

MOTION: Move to modify the legal description Council authorized to be placed on a petition with those conditions previously set forth.
Dick/Picinich – unanimously approved.

3. Discussion – Westside Business District. John Vodopich explained that this item was placed on the agenda by Councilmember Young as a follow up to Councilmember Pasin's April 9th request for a re-zone of the Westside Business District. Councilmember Young explained that he was seeking clarification on the motion that was passed at the April 9th City Council meeting, specifically, whether the motion was meant to encompass building size limitations only or an area wide rezone from B2 to C1. Councilmember Young stated that there are sufficient arguments to reconsider building size limitations, but the change in use which is allowable between the B2 and C1 zones is considerable. Therefore, Councilmember Young said he was not willing to consider a blanket rezone from B2 to C1 on the Westside. He also asked whether Council wanted the Planning Commission to review all zones which have building size limitations or just the B2 zone.

Several Councilmembers briefly discussed their own recollections of the intent of the motion and Councilmember Dick voiced concern over implications to the Westside infrastructure should the area be modified from a modest zone to an intensive one. Councilmember Pasin reiterated his original intent which was to allow the area to develop as a commercial zone, to prevent it from becoming a dead business zone by enabling the properties to revitalize themselves over time, and to remain competitive.

In order to clarify the previous motion of April 9th, and to hear public comment on this matter, the following motions were made:

MOTION: Move to suspend rules concerning normal order of proceedings in order to allow for public testimony on the following motion.
Dick/Young – unanimously approved.

MOTION: Move to rescind the previous motion directing Planning Commission to conduct a public study and to formulate a recommendation on the proposed area-wide rezone of the Westside Business District.
Dick/Owel –

Matt Halvorson – 4704 87th St. Ct. NW.

Mr. Halvorson spoke in opposition to rezoning the Westside Business District from B2 to C1. He concurred with Councilmember Dick regarding possible infrastructure implications. Mr. Halvorson was concerned that a rezone would open up the Westside to development that is inappropriate for the area and stated that the traffic there is already too heavy.

Dave Orem – 4709 Pt. Fosdick.

Mr. Orem is co-owner of the Gig Harbor Motor Inn and spoke at the April 9th City Council meeting regarding this issue. He stated that it was not his understanding from the April 9th meeting that the intent of the motion was to consider changing all B2 zoning to C1, but rather, that the Westside B2 zone is currently in an inferior position to revitalize itself and remain healthy, and the public was asking Council to study this and make some modifications to allow the Westside to remain vital. Mr. Orem said he was pleased with the unanimous vote at the April 9th meeting directing the Planning Commission to study this issue and he encouraged the Council to continue in the same spirit in which it began.

Walt Smith – 11302 Burnham Drive.

Mr. Smith said he appreciated recognition by the City Council that there are circumstances pertaining to the B2 retail building size limitations that cause concern and conflict, and thanked them for their willingness to recommend a comprehensive review of the Westside B2 building limitations. He stated he was hopeful that a study will go forward, and that it should be a governmental issue to determine how far reaching the study will be.

Ray Bond – 4700 Pt. Fosdick

Mr. Bond was pleased as a Westside landowner that this issue was going to be reviewed, with the main focus on eliminating the confusion which arose from the PUD/PRD issue. He agreed with Councilmember Dick's concern over infrastructure issues, but explained that these issues are normally dealt with as part of the development process. Many of these issues, he said, are mitigated by the development before it can go forward and the costs are not handed back to the taxpayers. Mr. Bond believes the impact of commercial development on the Westside would be less than on Gig Harbor North because it is a smaller area and an area not utilizing city water. He encouraged Council to study the area and review current zoning discrepancies.

Councilmember Ruffo called for the question.

MOTION: Move to rescind the previous motion directing Planning Commission to conduct a public study and to formulate a recommendation on the proposed area-wide rezone of the Westside Business District.
Dick/Owel – unanimously approved.

MOTION: Move to have Planning Commission look at building size limitations in all zones in which they appear, including, but not limited to, C1 and B2.
Young/Owel –

Councilmembers discussed whether this was an expansion of Councilmember Pasin's original intent. Though there was general agreement that the motion does, in fact, expand upon the original intent, it was also pointed out that a periodic study of all building size restrictions would result in a more complete picture, exposing possible inconsistencies and allowing for necessary updates.

Dave Folsom – 3160 Ann Marie Ct.

Mr. Folsom explained that he has been reviewing Westside zoning codes and feels that not all standards are compatible. He stated that he would like to see consistent, fair, and simplified zones.

Councilmembers went on to discuss whether permitted uses should be examined as well and voted on the following amended motion.

AMENDED MOTION: Move to amend the previous motion to include review of permitted uses within the B2 and C1 zones.
Ruffo/Pasin – Four Councilmembers voted against.
Councilmembers Pasin, Picinich and Ruffo voted in favor of the motion. The motion was defeated 4 - 3.

ORIGINAL MOTION: Move to have Planning Commission look at building size limitations in all zones in which they appear, including, but not limited to, C1 and B2.
Young/Owel – Five Councilmembers voted in favor.
Councilmembers Pasin and Picinich voted against the motion. The motion passed 5 – 2.

NEW BUSINESS:

1. Key Peninsula Gig Harbor Islands Watershed Characterization and Action Plan. John Vodopich introduced the plan and explained that Pierce County is seeking concurrence from the City of Gig Harbor as a "lead implementer" on certain action items included in the plan, provided that grant funds become available. Mr. Vodopich introduced Roy Huberd, Senior Planner for the Pierce County Water Programs Division. Mr. Huberd thanked Council for the time to present this plan which has been three years in development. He explained that the purpose behind the plan is to protect water quality and beneficial uses of water by reducing water pollution from

non-point sources in the watershed. In the plan, the committee focused on the "usual suspects" such as agricultural uses or activities, boats and marinas, forest practices, on-site sewage disposal activities, stormwater and erosion, old landfills, and pesticides and herbicides. Pierce County Council has passed a resolution supporting this draft of the plan and the Watershed Planning group is seeking the City's concurrence on the plan or at least agreement to implement action items within the plan should funds become available. Mr. Huberd directed Council's attention specifically to a policy statement in the document relating to Donkey Creek (SW-14) and to a statement encouraging water recycling.

Mr. Huberd answered questions from the Council regarding costs of the proposed action items. He suggested that the plan was only meant to be a general guideline; it could be adopted by resolution so as to not be binding by law or a separate letter could be drafted limiting financial commitment to a specified amount.

MOTION: Move to direct Planning Department staff to draft a letter for Mayor Wilbert's signature approving implementation of the Watershed Plan's action items when grants and other funding sources are available.
Young/Ruffo –

Further discussion ensued regarding "sources of funds" and how to determine exactly what the City of Gig Harbor's financial responsibilities would be for action items which list the City as an "implementer".

Barbara Ann Smolko explained that the document was intended to give implementers enough information to make a decision on whether to participate. Ms. Smolko added that it would be up to each implementer how much financial commitment they wish to make on individual objectives. She added that the document also provides an estimate of "start up costs", referred to in the plan as "first year costs", to use as a tool when soliciting funding. Obtaining funds is usually easier, she explained, when the project has a specific beginning and ending, versus an ongoing project with no specific deadline provided. In response to concerns with the time and labor involved in completing grant applications, Ms. Smolko raised the possibility of adding the City's name to Pierce County grant applications or forming a coalition between all implementers to complete applications.

AMENDED MOTION: Move to concur with the Key Peninsula Gig Harbor Islands Watershed Characterization and Action Plan with the understanding that the City has the option of actual implementation of all action items, and that one factor the City may consider in determining not to pursue any action item is the availability of grant funds, and further authorize the Mayor's signature on a contingent letter of concurrence.
Ruffo/Ekberg – unanimously approved.

2. First Reading of Ordinance – Amending Title 17.91 Mixed Use District. John Vodopich presented the Planning Commission's proposed text amendment to the Mixed Use Overlay District with regard to permitted uses, specifically, to include restaurants and associated cocktail lounges, coffee houses, delicatessens, and bakeries. This item will return to the next meeting for a second reading.

3. Bid Bond Forfeit and Release of Construction Contract – Kimball Dr. David Skinner explained that Monarch Construction, Inc. recently informed him of their financial inability to perform the awarded contract for Kimball Drive and asked to be released from the contract. This would allow the City to award the contract to the second lowest bidder and would forfeit the collection of the bid bond of Monarch Excavating. Mr. Skinner answered questions from the Council and an extensive discussion followed on the City's available options and whether it would be advisable to enter into discussions with the bonding company. Mr. Skinner asked Council to consider the overall impacts to project, scheduled to begin May 1st, should the bonding company decide to force the contractor to perform. After further discussion, Carol Morris suggested continuing with the remaining agenda items, followed by an executive session to discuss potential litigation related to this contract and how to proceed with discussions with the bonding company. Following the executive session, she recommended returning to regular session to give direction to the staff.

4. Award of Construction Contract – Kimball Drive Improvement Project. (This agenda item was not discussed as it relates directly to previous Item #3 to be discussed in executive session.)

5. Pierce County Gig Harbor Peninsula Community Plan – Citizen Recommended Change. John Vodopich presented a request from Mr. Paul Cyr of Barghausen Consulting Engineers on behalf of Mr. Fredrick Paulson regarding the Gig Harbor Peninsula Community Plan. Specifically, the request involved a designation change to the City's Comprehensive Plan from Residential Low (R-1) to Commercial/Business (B-2) (and from Moderate Single Family (MSF) to Community Center (CC) on the County's Community Plan) on approximately 11 acres located east of Purdy Drive and west of Goodnough Drive. Mr. Vodopich requested that Council move to support this portion of Mr. Cyr's request. According to Mr. Vodopich, in his previous discussions with Pierce County staff, it was learned that proposals to amend designations within the City's Urban Growth Area are more likely to receive favorable consideration by the County if supported by the City.

Mr. Cyr added that the property in question is better served by a non-residential designation because not only is it bordered by many non-residential uses, but is also a high traffic, high noise area. Furthermore, he stated that the topography of the property includes a deep ravine and swale that run the length of the property and lends itself to significant buffering for the residential development nearby. Mr. Cyr presented photos to the Councilmembers to familiarize them with the property.

Councilmembers discussed several of the issues brought forward including the variety of designations that exist in this area, the proximity of nearby residents, and whether the area residents' input had been sought.

Councilmember Pasin asked Carol Morris whether it was necessary to exclude himself from discussion, as he had prior dealings with Mr. Paulson. Ms. Morris stated this was a legislative decision only at this point, and so, it was not subject to the Appearance of Fairness doctrine.

Jerry Dryer – 8620 137th Street.

Mr. Dryer stated that he recently spoke to the developer of the 8-10 closest homes to the Paulson property, and said that the developer was disappointed in the amount of time it took to sell the homes, as well as with the sale price he was able to obtain for them. According to Mr. Dryer, the developer said this was largely due to the noise factor, heavy traffic and zoning across the street. He said the developer also believes that the area is inappropriate for residential zoning, but rather, that it is becoming a commercial area.

MOTION: Move to support staff's recommendation that Mr. Paulson's property of eleven acres be designated as Community Center (CC) on Pierce County's Community Plan and as Commercial/Business (B-2) on the City's Comprehensive Plan.
Picinich/Ruffo – Four Councilmembers voted in favor. Councilmembers Owel and Dick voted against the motion. Councilmember Pasin abstained. The motion passed 4 – 2.

STAFF REPORTS:

Dave Rodenbach, Finance Director, presented the 1st Quarter Financial Reports and offered to answer Council's questions. There were no questions asked of Mr. Rodenbach.

John Vodopich presented the preliminary 2000 census figures from the Washington State Office of Financial Management (OFM). The total population for the City of Gig Harbor was listed as 6,465 as compared to their previous estimate of 6,575. Mr. Vodopich also mentioned the GIS users meeting on April 25th in Fife, a beneficial Pierce County service, and he encouraged all to attend the session.

PUBLIC COMMENTS: None.

COUNCIL COMMENTS / MAYOR'S REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS: None.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30.110(i).

MOTION: Move to adjourn to Executive Session at 10:20 p.m. for the purpose of discussing potential litigation per RCW 42.30.110(i) for approximately 10 minutes.
Picinich/Ruffo - unanimously approved.

MOTION: Move to return to regular session at 10:37 p.m.
Dick/Young - unanimously approved.

MOTION: Move to authorize the City Attorney to call the bonding company to discuss a potential claim against the bond and/or litigation and to inform the Council of the response of the bonding company and to take additional action as needed to protect the City's interests, such action to return to the Council for ratification if necessary.
Picinich/Ruffo - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 10:39 p.m.
Young/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 614 Side A 313 - end.
Tape 615 Both Sides.
Tape 616 Both Sides.
Tape 617 Side A 000 - end.
Tape 617 Side B 000 - 139.



Mayor



City Clerk