

GIG HARBOR CITY COUNCIL MEETING OF AUGUST 13, 2001

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

Before calling the meeting to order, Mayor Wilbert invited Jan Piercy from the local Farmer's Market to come forward and accept the proclamation for Farmer's Market Week. Ms. Piercy gave a brief presentation on the market and Mayor Wilbert read the proclamation to be approved later in the meeting.

CALL TO ORDER: 7:04 p.m.

PUBLIC HEARING:

1. Petition for Annexation - 57th Street Court NW. Mayor Wilbert opened the public hearing at 7:04. John Vodopich, Planning Director, presented this petition for annexation of three parcels located on 57th Street Court NW. He explained that this had been review previously in February, and a petition had been circulated with three conditions. The first condition was that a R-1 zoning designation be placed upon the property; second, that the property owners enter into a pre-annexation agreement regarding the level of street improvements; and third, that the owners assume their proportionate share of the city's indebtedness. The petition had been received and certified by the Assessor.

There were no comments from the public, the Mayor closed the public hearing on this item and opened the next public hearing.

2. Amendments to the Plat and Concomitant Agreement - Mallard's Landing. John Vodopich explained that this hearing was on a proposed amendment to the plat for Mallard's Landing, specifically to delete a condition of approval placed upon the plat requiring all new structures to maintain a minimum roof pitch of 4/12. He explained that at the time this condition was placed, the city did not have a design manual in place. He continued to say that a 4/12 pitch on a large building would create a rather unsightly structure, and because of that, the property owner is proposing an amendment to delete this condition and replace it with verbiage stating that new construction would meet the requirements of design review.

Carol Morris explained that this hearing was quasi-judicial in nature and asked if any of the Councilmembers or Mayor had a conflict of interest or appearance of fairness issue to disclose.

Councilmember Pasin disclosed that he had a professional relationship with the project architect, David Freeman, but added that he could hear the issue fairly. There was no other response to the question, and Ms. Morris continued to ask if anyone had an ex-parte contact with the proponent or an opponent of the amendments to the plat or concomitant agreement. There was no response

to the question, and she continued by asking if anyone from the public wanted to challenge a member of the Council. There was no response and the hearing continued.

Scott Wagner - PO Box 492, Gig Harbor. Mr. Wagner presented the signatures of the property owners for the amendment to the Concomitant Agreement. He explained that the reason for the request for the amendment is due to the conflict between the 4/12 roof pitch requirement and the current Design Manual in regards to their project. He added that the amendment would allow for a more attractive design and flexibility in the project.

Carol Morris explained the need to alter the plat prior to adopting amendments to the concomitant agreement. She explained that the criteria for plat alteration is upon written determination on whether the public use will be served by the alteration of the subdivision. Councilmember Young recommended combining the Public Hearings on both the Plat Amendment and the Amendment to the Concomitant Agreement due to the combined nature of the subject. Councilmembers agreed.

There were no further comments and the public hearing was closed at 7:19 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 July 23, 2001.
2. Correspondence/Proclamations:
 - a) Letter of Appreciation from David Knowlton.
 - b) Update from AWC.
 - c) Letter from Whitman County Prosecuting Attorney - Domestic Violence Summit.
 - d) Letter from Myra Doak - Gate on Erickson Street.
 - e) Office of Financial Management - Population.
 - f) Letter from AWC - Update on City Activities.
 - g) Proclamation - Farmers Market Week.
3. Change Order #3 - East/West Roadway Project.
4. Pavement Marking - Contract Award.
5. 56th Street/Olympic Drive Improvements Design - Consultant Services Contract.
6. Liquor License Application: Albertsons #406 Renewals: Gig Harbor Yacht Club
7. Approval of Payment of Bills for August 13, 2001.
Checks #33548 through #33728 in the amount of \$658,493.92.
8. Approval of Payroll for the month of July:
Checks #875 through #946 in the amount of \$208,016.37.

Mayor Wilbert asked that members of the audience who had come to speak on the letter regarding the gate on Erickson Street to please wait until the Public Comment portion of the meeting. Mayor Wilbert explained that David Skinner, Public Works Director, requested that item number three, Change Order #3 - East/West Roadway Project, be removed from the Consent Agenda. Councilmember Ekberg added that there was a letter from PNA commending the city for its efforts to restore Donkey Creek that had not been listed on the agenda.

MOTION: Move to approve the Consent Agenda, deleting Change Order #3 - East/West Roadway Project, and adding the correspondence from PNA. Picinich/Owel - unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance - Amendment to GHMC Chapter 19.02 - Permit Applications. John Vodopich presented this ordinance correcting an inconsistency in the procedures by which a development application is determined complete.

MOTION: Move to Adopt Ordinance No. 888.
Picinich/Young - unanimously approved.

2. Second Reading of Ordinance - Amendment to GHMC Chapter 19.06 - Appeal Procedures. John Vodopich presented this ordinance proposing an amendment to the code to clarify that the Council is a party of record and may appeal land use decisions rendered by the Hearing Examiner.

MOTION: Move to Adopt Ordinance No. 889.
Picinich/Pasin - unanimously approved.

NEW BUSINESS:

1. Monty Mahan - Pierce Conservation District Update. John Vodopich introduced Monty Mahan, Manager for the Pierce Conservation District, to talk about the expanded technical assistance program. Mr. Mahan gave an overview of the organization and their two new programs, Stream Team and Salmon Recovery. Monty described how cities can benefit through educational opportunities, grants and streamlined permitting processes. He added that locations along Donkey Creek had been identified as areas in need of help, and per state law, would need to be addressed. He explained how these projects could be accomplished through coordination with the Pierce Conservation District. He then outlined his proposal for funding these necessary projects through a \$5 property tax assessment and grant opportunities. He addressed Council's questions regarding the proposed tax and benefit return and the city's options for participation.

2. Resolution - Petition for Annexation - 57th Street Court NW. John Vodopich explained that this follows the public hearing held earlier and recommended adoption of the resolution.

MOTION: Move to Adopt Resolution No. 570 accepting the annexation petition.
Picinich/Ekberg - unanimously approved.

3. Amendment to the Plat - Mallard's Landing. John Vodopich presented this request from Talmo, Inc. to delete a condition placed upon the plat of Mallard's Landing requiring a minimum roof pitch of 4/12 for new structures. He added that staff supported the amendment to the plat.

MOTION: Move we authorize the amendment to the plat of Mallard's Landing, finding that by removing the specific 4/12 roof pitch and substituting the

current standards required by the Design Manual, it would make the development more consistent with current policy and city code and would provide for a design superior to one guided by the requirements listed in the original agreement. The public interest would be better served by the proposed amendment. Such written findings shall come before Council at the next meeting for approval.

Dick/Picinich - unanimously approved.

4. Amendment to Concomitant Agreement - Mallard's Landing. John Vodopich introduced this item, which was discussed previously. Scott Wagner asked for clarification on the language in Section 3 of the agreement.

MOTION: Move to suspend the rules and allow additional public comment.
Young/Owel - unanimously approved.

Carol Morris addressed the language in Section 3 of the Concomitant Agreement in question. She explained that the provisions of the agreement would remain effective until build-out of the properties, and that any future construction would be bound by the development regulations in effect at that time.

MOTION: Move to approve the amendment to the Concomitant Agreement for Mallard's Landing as presented.
Picinich/Owel - unanimously approved.

5. Contract for Land Use Hearing Examiner Services. John Vodopich explained that a second request for proposals had been released for Hearing Examiner Services, with five additional responses to the two initially submitted. He added that there was a unanimous recommendation for Mr. Michael Kenyon by the interview panel.

MOTION: Move to authorize the negotiation of a one-year contract for Hearing Examiner services with Mr. Michael Kenyon.
Pasin/Picinich - five voted in favor. Councilmember Dick voted no.

STAFF REPORTS:

Gig Harbor Police Department - June Stats. No verbal report given.

PUBLIC COMMENT:

Marian Wild - 3444 Erickson Street. Ms. Wild voiced her concerns about safety and the security gate across Erickson Street. She said that a true security gated community has pass cards and are locked on both ends, and that a city-maintained street should be open to the public.

Myra Doak - 3444 Erickson Street. Ms. Doak explained that she also was a resident on Erickson Street. She voiced her concerns on what had transpired with the gate at Spinnaker Ridge. She said that as taxpayers, they should be entitled to use the street too. She discussed safety issues,

the barricades that were placed at the entrance, and the idea that speeding would become an issue if the street were opened. She again stated that everyone who pays taxes should be entitled to use the road.

Donald Wild - 4036 No. Waterview, Tacoma. Mr. Wild explained that he visits someone on Erickson Street, and recently became aware of the gate preventing citizens from going through. He said that this gate is a hazard for Police, Fire and 9-1-1 services, and needs to be taken down to prevent possible litigation if someone were injured and emergency services were delayed. He concluded that the gate was something authorized years ago through no fault of the current Council, but something that needs to be corrected.

Roger Wells - Spinnaker Ridge. Mr. Wells explained that he has lived in Spinnaker Ridge the past 12 years, adding that there seems to be much misinformation regarding the gate. He explained that the gate was not placed without discussion with emergency services. He added that the lock was always left open so that the police and fire department can get through. He added that the President of Spinnaker Ridge was out of the county, and asked that any further discussion or action be postponed until he could return.

Councilmembers asked questions about pedestrian passage and the presence of an unlocked padlock. David Skinner, Public Works Director, explained that he was speaking as the City Traffic Engineer, and read the definition from the Transportation Comprehensive Plan, which describes this type of roadway as a "collector arterial" with property being access a high priority, and through traffic a low priority for this type of street. He said that based upon those definitions, and that traffic patterns associated with the area surrounding this neighborhood, it is his recommendation that this should be allowed as a through access because it meets the definition of a collector arterial. He said that he was unfamiliar with the reasons it was allowed to be gated, but if it were designed to be a dead-end street, it would have been built as a cul-de-sac.

Councilmember Owel suggested that if this were to become a public hearing, it should be publicly noticed to allow for comment on both sides of the issue. Councilmember Ekberg asked if he could respond to the people who had come to the meeting to speak. There were others in the audience who wished to speak, and the Public Comment portion of the meeting continued.

Anonymous speaker (declined to give name) - 3444 Erickson Street. The speaker commented that during the peak traffic hours, you cannot get off Erickson Street due to the steady stream of cars from the Park & Ride.

Joan Cally - has a sister on Erickson. Ms. Cally said that she has often wondered why the gate was there and added that it doesn't express any good will. She wanted to know what justifies a community to fence off a public road.

Mayor Wilbert asked if there were any further public comment. No one else wished to speak and public comment was closed.

Councilmember Ekberg addressed the questions of why the gate had been approved. He explained that he was a Councilmember in March of 1985 when the decision was made to approve the preliminary plat for Spinnaker Ridge, which was a first of it's kind development in Gig Harbor. He added that there were several issues that were dealt with at the time. He gave a brief overview of the project at the time and read the motion for approval at the time that included that language "Erickson Street and the westerly 30 feet at the site shall be dedicated to the city for road purposes; however, Erickson Street shall not extend through to the westerly boundary. Breakaway posts shall be constructed and approved by the Fire Marshal and Fire Department to allow access for emergency vehicles and that at some future date, should the city require that the street be extended through, that it be done. The security fence and raised curb shall be eliminated." He concluded that because Kimball Drive was not developed at the time, the proponent asked that the street be closed, and the fire district did not see a problem if a breakaway gate was installed. The street was built with the thought of future connection. He suggested that staff give the Council input for consideration.

Councilmembers discussed the issue further and agreed that arterial roads are a broader policy issue. They agreed that this should come back for consideration and directed staff to come back with recommendations.

David Ewert - 3614-44th St. Ct. NW. Mr. Ewert asked that Council consider an ordinance on beehives. He explained that he is allergic to bee stings, and has a neighbor who has 15 beehives. He said that the bees have swarmed three times over the past two years keeping him house-bound for up to five hours at a time.

ANNOUNCEMENT OF OTHER MEETINGS: None.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.3 1.110(i).

MOTION: Move to adjourn to Executive Session at 8:46 p.m. for the purpose of discussing potential litigation for approximately fifteen minutes.
Ekberg/Picinich - unanimously approved.

MOTION: Move to return to regular session at 9:06 p.m.
Picinich/Young - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:07 p.m.
Picinich/Young - unanimously approved.

Cassette recorder utilized.
Tape 623 - Side A 025 - end.
Tape 623 - Side B 000 - end.
Tape 624 - Side A 000 - end.

Gretchen A. Wilbert
Gretchen A. Wilbert, Mayor

Melby M. Jansler
City Clerk