

GIG HARBOR CITY COUNCIL MEETING OF AUGUST 25, 2003

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

CALL TO ORDER: 7:01 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

1. Six-Year Transportation Improvement Plan. The Mayor opened this public hearing at 7:02 p.m.

Steve Misiurak, City Engineer, introduced the transportation plan for years 2004-2009. He explained that project number one, Skansie Avenue Pedestrian Improvements, and number seven, 36th /Pt. Fosdick Interchange, were new additions to the list. He offered to answer questions on the projects.

No one signed up to speak and the Mayor closed the public hearing at 7:02 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 Meeting of August 11, 2003.
2. Correspondence / Proclamations: a. Letter from City of Roy b. Citizens Against Litter c. Constitution Week d. National Payroll Week
3. Skansie Net Shed Roof Replacement.
4. Liquor License Renewals: Hy-lu-Hee-Hee; Olympic Village 76
5. Approval of Payment of Bills for August 25, 2003.
Checks #40946 through # in the amount of \$

Mayor Wilbert requested that item number five, approval of bills, be removed from the Consent Agenda until the figures become available. John Vodopich answered questions regarding the cost of the roof replacement for the Skansie Net Shed.

MOTION: Move to approve the consent agenda with the approval of bills removed.
Young / Ruffo – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Amending Design Review Procedures – GHMC 17.98. Steve Osguthorpe presented this second reading of an ordinance that amends the procedures for the design review process. He gave a brief history of the ordinance and offered to answer questions.

Councilmember Owel said that although this is an improvement, the amendments to the process did not fully address her concern that not all parties have equal access to the process. Steve explained that the requirement to send notice to the surrounding property owners of a project going before the Design Review Board should help.

Councilmember Dick discussed the type of information to be shared and at what point it is available. Steve said that he would get clarification from Carol Morris about parties of record. Councilmember Dick asked at what point the public is notified of staff's decision and/or the recommendation by the Design Review Board. Steve described the process, explaining that if the project meets the code requirements, it would not go to the DRB nor would there be notification made to the surrounding property owners. He addressed questions regarding the availability of permit information to the public, explaining that this information is available at the counter and on the website in the form of a project list.

Councilmember Owel stressed that her concern is a project that may have unexpected results. Steve explained that larger projects always go before the Hearing Examiner for site plan review or a conditional use so the property owners would be notified, but there may not be opportunity for public comment on the design if it is an administrative decision. He continued to explain that the public could always request information on a project. Steve addressed questions on how many items in the Design Review Manual are left up to interpretation. He said that the intent of the Design Review Manual is to avoid surprises to the applicant or to surrounding property owners, but admitted that there are sections in this document that need further amendments.

John Vodopich added that one step that has been taken to address these concerns is the notification of the surrounding property owners when a shoreline exemption, an administrative interpretation or an administrative variance is issued. He said that staff could amend Title 19 to include notification requirements for all Type II permits. Council agreed with this idea and encouraged staff to post information about recent decisions on the city website.

Councilmember Franich asked for clarification on number four, page ten of the ordinance. John explained that language had been omitted in error and staff would review the entire ordinance for necessary corrections.

Councilmember Franich said that he believed that the City Council should be making the decisions with advice from the city attorney rather than turning over the decision making to the Hearing Examiner. He discussed the letter from Carol Morris in response to the request from the last meeting. Councilmember Young explained the reasons for this recommendation from the city attorney is to protect the city from exposure to lawsuits due to incorrect comments and decisions by those who do not have the legal background to make them. Councilmember Franich continued to say that he believed that the Hearing Examiner was making arbitrary decisions based upon two recent decisions involving the Berger – Nelson and Pillars properties. It was discussed that the

reason that Council is a party of record to the Hearing Examiner's decisions is to allow for them to appeal a decision with which they disagree.

Councilmember Dick voiced concerns with the change in language on page 10; subsection 1 of 17.98.060(D) in which the word "reasonable" had been changed to "impracticable." Carol Morris will be asked to clarify this recommended change. After further discussion, Councilmember Ekberg made a motion to continue this to the next meeting.

MOTION: Move to continue the second reading of the ordinance to the next meeting.
Ekberg / Ruffo - unanimously approved.

2. Second Reading of Ordinance - Amending Section 13.34.060 Utility Extensions. John Vodopich presented this second reading of an ordinance that reinstates the condition that an applicant requesting outside utility extension sign an agreement not to protest annexation.

MOTION: Move to adopt Ordinance No. 939
Young / Ruffo - unanimously approved.

NEW BUSINESS:

1. Resolution – Adopting the Six-Year Transportation Improvement Plan. Steve Misiurak offered to answer questions. Councilmember Young asked if the Briarwood improvements could be moved up from its 2005 design date. He said that his concern is that the completion of the 36th Interchange may turn this area into a short cut, jeopardizing pedestrian travel. Steve explained that it was a matter of what funds are available and how the budget process allocates these funds. He suggested that there may be traffic-calming steps that could be taken in the interim to address concerns.

MOTION: Move to adopt Resolution No. 614 adopting the Six-Year Transportation Improvement Plan.
Dick / Ruffo - unanimously approved.

Mayor Wilbert shared that there was a roundabout proposed for the intersection of 36th and Pt. Fosdick. Steve clarified that an agreement with the state had been reached to allocate \$330,000 toward the intersection improvements. He addressed Councilmember Franich's concerns about the decision for a roundabout at this location by explaining that an evaluation of this intersection had been budgeted and would be completed before any final decision was made.

2. Pump Station 3-A Settlement Agreement. John Vodopich presented this settlement agreement that resolves the dispute between Strider Construction and the City as to the amount of money to pay for all work and materials associated with the

project and to close out the project. He answered Council questions regarding issues surrounding payment of the contract.

MOTION: Move to approve the Release and Covenant Not To Sue with Strider Construction Co., Inc. and authorize the Mayor to execute the document on behalf of the City, and to authorize the City staff to make a final payment in the amount of \$20,408.59 to Strider Construction Co., Inc. and for Council formal acceptance of the Pump Station 3A project.
Young / Ekberg - unanimously approved.

3. Wilkinson Farmhouse and Garage Roof Replacement. John Vodopich explained that the recent inspection of the roof of the Wilkinson Farmhouse identified the need for replacement of the cedar shakes. He explained that the cedar shake roof reflects what is currently in place. He recommended approval of the contract with Cleo's Roofing.

MOTION: Move to authorize the award and execution of the contract for the Wilkinson Farm house and garage re-roofing to Cleo's Roofing as the lowest responsible respondent, for the bid amount of thirteen thousand one hundred four dollars and zero cents (\$13,104.00).
Young / Franich – unanimously approved.

STAFF REPORTS: None.

PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Franich first thanked Council and staff for their concern during his recent recovery from an accident. He then said that he wished to go on record to express his disappointment in Council's approval of the Comprehensive Plan Amendments increasing the commercial area in the Gig Harbor North area. He said that the Gig Harbor North zoning was relatively new, and that it hadn't been given enough time to determine its success before amendments were made. He referred to a quote in the newspaper regarding the fact that Gig Harbor was no longer the "Quiet, quaint fishing village" it once was known to be. He continued to say that it should be the goal of the city to preserve the very reasons that people come to visit and live here.

Councilmember Franich asked to be kept informed of recommendations that arise from the Mayor's Advisory Committees, referring to the suggested use of a roundabout at the intersection of 36th and Pt. Fosdick. Councilmember Dick explained that the reason for the committees is to focus information and to save time. John Vodopich suggested that all Councilmembers be issued an agenda of each committee meeting ahead of time.

Councilmember Franich asked for an update on the status to become a Certified Local Government. Steve Osguthorpe said that he had met with Lita Dawn Stanton to discuss

draft ordinances, and he would be bringing one to Council for consideration in the near future.

Councilmember Ruffo voiced concerns with the safety issue of persons driving the wrong way in the turn lanes on Pt. Fosdick. Steve Misiurak said that he had heard reports that this was a problem and signage could be placed prohibiting left hand turns in this area.

EXECUTIVE SESSION: For the purpose of discussing pending litigation per RCW 42.30.110(1)(i).

Staff announced that due to the absence of the City Attorney, an Executive Session was not needed at this time.

ADJOURN:

MOTION: Move to adjourn at 8:31 p.m.
Franich / Ruffo – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 7

Gretchen Wilbert, Mayor

Molly Towslee, City Clerk