

GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 27, 2003

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

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE

SWEARING IN CEREMONY: Reserve Officers Lori Myers and Shauna Goller.

Chief Mitch Barker, assisted by Officer Dan Welch, presented a short video of the two new reserve officers during pepper-spray training. Mayor Wilbert performed the swearing in ceremony and then invited the families up for introduction.

PUBLIC HEARING: 2004 General Fund Revenue Sources.

Mark Hoppen, City Administrator, explained that Chapter 351 of RCW 84.55.120, requires a public hearing on revenue sources for the next year's general fund budget.

Mayor Wilbert opened the public hearing at 7:14 p.m. No one came forward to speak, and the hearing closed at 7:15 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 October 13, 2003.
2. Correspondence / Proclamations:
 - a. World Cultural Interaction Day – Takuma, Japan.
 - b. World Cultural Interaction Day – Beijing, China.
 - c. Trick or Treat for Unicef Week.
3. Interlocal Mutual Aid Agreement for Traffic Safety Emphasis Patrols.
4. Cushman Trailhead Boundary and Topographic Survey.
5. Borgen Boulevard Roundabout – Ohio Casualty Group, Release of All Claims.
6. Approval of Payment of Bills for October 27, 2003.
Checks #41481 through #41603 in the amount of \$331,020.70.

Councilmember Franich asked that item number three be moved to new business for discussion. Mayor Wilbert gave a brief description of the three proclamations before asking for a vote to approve the amended consent agenda.

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

OLD BUSINESS:

1. Second Reading of Ordinance – Vacation of Rust Street – Sorensen John Vodopich, Community Development Director, presented the second reading of an ordinance for the vacation of a portion of Rust Street.

MOTION: Move to adopt Ordinance No. 943, vacating a portion of Rust Street.
Dick / Picinich – unanimously approved.

2. Revised Legal Description – North Donkey Creek Annexation (ANX 03-03). John Vodopich explained that the City Council met with the initiators of the annexation on July 28th. At that time, Council accepted the notice of intention subject to the modification of the legal description and map to reflect the removal of the parcel owned by Tacoma Power. The revised legal description and map was sent to the Pierce County Boundary Review Board for review and comment. John recommended that Council accept the corrected legal description as recommended by Pierce County.

MOTION: Move to accept the corrected legal description for the North Donkey Creek Annexation as recommended by Pierce County.
Picinich / Ruffo – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – 2003 Property Tax Levy. Mark Hoppen presented this ordinance setting the 2003 property tax levy for collection in 2004. He explained that this represents a 1% property tax increase over the current levy. Seventy-five percent of the fund goes towards streets and twenty-five goes into the General Fund. This will return for a second reading at the next meeting.

2. 36th Street / Point Fosdick intersection Improvement Project – Phase I. John Vodopich explained that a budgeted objective for 2003 included planning for improvements to the intersection at 36th and Point Fosdick. He answered Council's questions regarding the completion dates for the two phases of construction.

MOTION: Move to approve the execution of the Consultant Services Contract with HDR Engineering, Inc. in an amount not to exceed \$21,855.80.
Dick / Ruffo – unanimously approved.

3. Interlocal Mutual Aid Agreement for Traffic Safety Emphasis Patrols. Chief Barker explained that this contract is the same as the past several years to participate in the Pierce County's traffic emphasis patrol primarily focused on DUIs. He explained that once a month participating agencies saturate a particular area with patrol officers in an attempt to deal with unsafe driving. He said that Carol Morris has concerns with certain language in the contract and her comments were forwarded to Councilmembers before the meeting.

Chief Barker addressed Council's concerns about the comments from the City Attorney. Councilmembers discussed the liability issues surrounding the officer's participation in the process.

MOTION: Move to authorize the Mayor to approve the Interlocal Mutual Aid Agreement for Traffic Safety Emphasis Patrols.
Ruffo / Dick – six voted in favor. Councilmember Franich voted no.

STAFF REPORTS:

1. David Rodenbach, Finance Director – 3rd Quarter Financial Report. In David's absence, Mark Hoppen reported that there are no surprises in the report. Councilmember Young commented that the General Fund Revenues are well ahead of the Tax Revenue base and asked for the reason. Mark said that he would review the information and get back with an answer.

2. GHPD – September Stats. Chief Barker said that he didn't have anything to add to the written report and offered to answer questions.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert discussed the city newsletter that was sent to all citizens, which included information on the upcoming Neighborhood Emergency Preparedness meetings. She encouraged members of the audience to attend one of the meetings.

PUBLIC COMMENT:

Charlene Sandoval – 8033 Bayridge Avenue. Ms. Sandoval passed out pictures from her property and information from other cities regarding the issue of trees growing up and blocking views. She read a statement regarding the loss of the view on their property over the past 2-1/2 years. She said that the neighbor is unwilling to maintain the scrub alders and vine maples that are growing up and blocking the view. Ms. Sandoval discussed how this is affecting the property values of homes, adding that the neighbors want their view back and want regulations to protect views. She said that the city needs to establish a code that requires the pruning or removal of all trees blocking scenic views and vistas. She concluded by saying that those who have paid for view homes want the city, which limits building heights to maintain views, to also regulate trees.

Keith Hamilton – 3205 Grandview Street. Mr. Hamilton said that he had a beautiful view when he moved here thirteen years ago, which is now blocked by a grove of trees from the west side of Soundview. He discussed the regulations to prevent blocking the neighbor's views in the Millville area and asked why this could not be case for all of Gig Harbor. He explained that the only recourse is to ask Pierce County for a property tax

reduction for the loss of view. He asked if Council would take a look at the issue to see if something could be done.

Jack Rodriguez – 2808 Harborview Drive. Mr. Rodriguez said that he and his wife, Gerda, had lived at this address for six or seven years. He passed out a picture taken by Mrs. Chapman, his neighbor, and read her letter about a 70-foot tree across the street that is blocking the view. Mr. Rodriguez said that the picture shows the view before the tree grew up and blocked the view.

Jeanne Chapman – 2808 Harborview Drive, Unit C. Ms. Chapman passed out other pictures to illustrate the view before the tree grew up and blocked the view of the harbor. She explained that she and her husband had constructed the building in 1977, and at that time, only a small home was located across the street. Since that time, another house has been built, and the tree in the picture has grown up to block the view to the entrance of the harbor. She said that several neighbors have spoken to the owner of the tree, but have been told that the view is still present in the winter when the leaves are gone.

Jim Nelson – 8103 Bayridge. Mr. Nelson said that he moved to Bayridge in 1999. At that time he had a wonderful view, but that no longer is the case. He explained that each year they are losing more of their view due to the wall of scrub alder trees that blocks the view from the lower deck, and will eventually grow up to block the view from the upper deck. He said that he understands the neighbor's right to privacy, but the neighbor doesn't seem to understand the need to preserve the view. He added that he and the other neighbors are willing to share in the expense of topping the trees or replacing them with a set-height hedge, but there has been no interest on the part of the owner of the trees. Mr. Nelson said that he wants the harbor view restored and protected. He added that there are requirements for the commercial district to preserve scenic views and vistas, which should also apply to residential areas. He suggested the adoption of an enforcement code similar to the one in Chapter 8. Mr. Nelson left a written statement and photos with Council for review.

Eric Peevy – 7315 Forest Glen Court. Mr. Peevy said that he has a view over the top of the houses on Soundview and is thrilled that this issue is coming to the attention of the Council. He said that what the city has done to regulate the buildings in the north Gig Harbor is outstanding and proves that restrictions can work. He said that he is intimidated by the idea of going to his neighbor to ask that they trim their trees. He then gave an example of what happened when a neighbor approached another regarding his trees. Mr. Peevy said that he has lost his view of Vashon Island to an apricot tree, and the other trees in that yard are growing up. He said that he hopes that something can be done by the city that would empower the private citizens to be able to go to the neighbor without fear of retaliation.

John Jurnacik 3757 – Wilkes Lane. Mr. Jurnacik said that he too is losing his view and is pleased to see that guidelines exist. He explained that it is difficult to go to a neighbor and try to get satisfaction. He stressed that this is an extremely serious issue and is

surprised that Gig Harbor has no regulations to address this concern. He said that you can't build a house over sixteen feet high, but you can plant a wall of trees that grows to 30-50-100 feet high. He said that he is glad to be talking about this and hopes that something can be done.

Mary Lou Finholm Bird. Ms. Bird explained that she lives on property that has been in the family for over 60 years and the views have come and gone. She discussed the trees at the Finholm Viewclimb, which are located on city right-of-way and progressively obscuring the view from Franklin Avenue. She said that the city crew used to top the trees, but understands that this is no longer allowed. She suggested that the trees be replaced with other types of trees that won't grow so tall, adding that the neighbors would appreciate anything that could be done.

Tony Sandoval – 8803 Bayridge Avenue. Mr. Sandoval read a statement from Tim and Ann Lovrovich, his next-door neighbors, who weren't able to attend the meeting. The letter indicates support of residential view protection and a willingness to share in the cost to have the trees topped; an option that has been allowed by the neighbors behind them on Shirley Avenue.

Mr. Sandoval continued to say that Council can't stand idly by and let this continue as it will only get worse. He said that other communities are addressing the same issue and if the city can mandate building height, it can also do the same for trees.

Mayor Wilbert said that staff will be asked to begin reviewing the issue. She thanked everyone for coming to speak on the issue.

Councilmember Ruffo said that many of the citizens have to deal with this issue. He said that he would be receptive to the idea of staff doing the research and bringing back the information.

Councilmember Owel said that this has been an on-going issue, adding that she has noticed that the trees also obstruct the light. She said that topping doesn't address the issue and she agrees that sometimes, trying to work it out with the neighbors only brings out the worst in people. She said that the city needs to address the realities.

Councilmember Picinich said that he would definitely like staff to look at the issue and find out what other municipalities are doing.

Councilmember Dick said that the city limits building heights for aesthetic reasons and should look at other things that are important to the community. He said that the city needs to stay within the boundary of the law, but to the extent that an issue causes conflict, it may be resolved by taking appropriate action. He said that he would like to see what changes could be made.

Harry Knight – 8112 Stinson Avenue. Mr. Knight explained that he has lived here for nine years and that he was asked to cut his trees. He said that he is not opposed to

helping his neighbors with the view, but he is opposed to removing the trees due to erosion concerns. He added that he is also opposed to someone coming on to his property to cut the trees without permission. He acknowledged that the cost issue had been addressed at this meeting, and invited the neighbors to come and talk to him. He continued to explain that he too has lost his view of the harbor because of the trees across the street.

John Vodopich explained that commercial developers have to submit a comprehensive landscape plan that is not required by residential builders.

Mayor Wilbert gave a brief report on the visit from both the representatives from Beijing, China and Takuma, Japan through the WCI program.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Budget Worksessions: November 3rd and 4th, 6:30 p.m.
2. Neighborhood Emergency Preparedness Meeting: October 29th at Harbor Ridge Middle School.
3. Dedication of the Harbor Ridge Middle School, November 9th 1:00 – 3:00 p.m.

EXECUTIVE SESSION: None required.

ADJOURN:

MOTION: Move to adjourn at 8:29 p.m.
Ruffo / Franich – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 22.
Disc #2 Tracks 1 – 2.

Gretchen Wilbert, Mayor

Molly Towslee, City Clerk