

## **GIG HARBOR CITY COUNCIL MEETING OF JANUARY 23, 2006**

**PRESENT:** Councilmembers Ekberg, Young, Franich, Conan, Dick, Payne, Kadzik and Mayor Hunter.

**CALL TO ORDER:** 7:00 p.m.

**PLEDGE OF ALLEGIANCE:**

**PUBLIC HEARINGS:** Request for Public Alley Vacation.

Mayor Hunter opened the public hearing at 7:03 p.m. John Vodopich, Community Development Director, presented the background information on this request to vacate a portion of a 15 foot public alley behind the Willis Building. In exchange, the petitioner will grant an easement for utilities and another for access to the adjoining property.

No one signed up to speak and the public hearing was closed at 7:04 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 January 9, 2006.
2. Appointment of Mayor Pro Tem.
3. Lodging Tax Advisory Committee Appointment to Elected Official Position.
4. Pierce County Regional Council Appointment.
5. Official Newspaper Bid Award.
6. Olympic Drive/56<sup>th</sup> Street Roadway Improvement Project – Permanent Right-of-Way Easement and Temporary Slope Easement – John and Wan Park.
7. Olympic Drive/56<sup>th</sup> Street Roadway Improvement Project - Permanent Right-of-Way Easement and Consent to Right of Entry Easement – Regal Cinema.
8. ~~MultiCare Storm Water Agreement and Restrictive Covenant.~~
9. Liquor License Renewals and Change of Officers: El Pueblito Restaurant; Hunan Gardens.
10. Payment of Bills for January 23, 2006.  
Checks #49239 through #49395 in the amount of \$911,463.80.

Mayor Hunter announced that item number 8 had been deleted from the agenda.

John Vodopich commented on item 5, Official Newspaper Bid Award. He explained that because the Peninsula Gateway comes out once a week, it sometimes creates difficulties for noticing requirements.

**MOTION:** Move to approve the Consent Agenda with item #8 removed.  
Franich / Ekberg – unanimously approved.

**OLD BUSINESS:**

1. Appointment to the Planning Commission. Mayor Hunter said that the interview committee has recommended the appointment of Joyce Ninen to the Planning Commission. He added that Ms. Ninen has experience with the Winslow Planning Commission.

**MOTION:** Move to appoint Joyce Ninen to serve the term ending June, 2011. Ekberg / Conan - unanimously approved.

2. Appointments to the Design Review Board. Mayor Hunter said that the interview committee recommended two appointments to the Design Review Board. He then introduced the two applicants who had been recommended, Rick Gagliano, an architect and businessman in Gig Harbor, and John Jernejcic, also an architect and businessman.

Councilmember Kadzik commented that as a past member of the Design Review Board, it is important to have more professional representation on the board. He said that he served with Rick Gagliano on the technical committee for updates to the Design Manual, adding that these appointments would be a tremendous asset.

**MOTION:** Move to appoint Rick Gagliano to the four-year position, and to appoint John Jernejcic to the two-year term. Franich / Payne - unanimously approved.

3. Second Reading of Ordinance – Rainbow Burnham Annexation. John Vodopich presented this ordinance enacting an annexation of approximately 34 acres located west of Burnham Drive.

Councilmember Young commented that the only way that he would support this annexation is if the city commences annexation of the remaining island of unincorporated Pierce County created by this annexation. Councilmember Payne agreed. He asked for clarification on what would be required for the remainder of the property to be annexed.

Carol Morris, City Attorney, cited RCW 35A.14.295, which allows the city to annex territory containing residential property in an area if it contains less than 100 acres and has at least 80% of the boundaries contiguous to the city; or, of any size if at least 80% of the boundaries contiguous to the city if the area existed before June 30, 1994 and is within the same county and urban growth area as the city. She said that this property fits the description. The next step would be for the city to pass a resolution stating the proposal to annex. After an ordinance is passed by Council, it would be subject to referendum. Another method is to join an interlocal agreement with Pierce County.

**MOTION:** Move to adopt Ordinance No. 1026 as presented. Dick / Young – unanimously approved.

4. Second Reading of Ordinance – Relating to Extensions of Water and Sewer Service, Amending Gig Harbor Municipal Code Section 13.34.070. Mayor Hunter recused himself from these proceedings. Mayor Pro Tem Ekberg asked John Vodopich to present the background on this ordinance. Mr. Vodopich explained that this ordinance would clarify the manner in which outside water service utility extensions are handled.

**MOTION:** Move to adopt Ordinance No. 1027 as presented.  
Young / Payne - unanimously approved.

Mayor Hunter returned to the Council Chambers at this time.

**NEW BUSINESS:**

1. First Reading of Ordinance – Request for Public Alley Vacation. John Vodopich explained that was the subject of the public hearing earlier in the meeting and offered to answer questions. This will return for a second reading at the next meeting.

2. First Reading of Ordinance – Stewart Rezone. John Vodopich presented the background information on this ordinance adopting changes to the zoning on a parcel located in the Harbor Heights neighborhood. Mr. Vodopich explained that the rezone was approved by the Hearing Examiner on December 28, 2005 and the appeal process expired on January 13, 2006. This ordinance will implement the rezone and direct staff to make changes to the official zoning map.

Councilmember Franich voiced concern that the Comprehensive Plan map is different that the land use map. He explained that the designation for the parcel was done during the Comp Plan amendments in 1996, adding that he questioned the wisdom of designating this area as R-2.

Councilmember Young explained that the applicant requested the rezone because the R-1 designation would force the 4 units per acre density whereas the R-2 does not have a minimum density requirement. He suggested that staff bring back a recommendation for minimum density requirements for the other zones.

Councilmember Franich asked for clarification on the density being used to meet the population requirements set by the Office of Financial Management. Jennifer Sitts, Senior Planner, explained that a density of six dwelling units per acre in the R-2 zone is assumed, adding that there are no minimum density standards in the R-2 or R-3 zones. She continued to explain that the city is exceeding the projected estimates by 17-18% using the six dwelling units per acre in the R-2 zone. The suggested amount to exceed is 25% to allow for vacancy rates and housing markets.

Councilmember Franich said that he didn't think that there should be a minimum requirement. Councilmember Young responded that not having a minimum density requirement is wasting valuable land that could be used for multi-family housing.

Councilmember Dick called for a point of order, requesting that the Mayor recognize speakers in order to facilitate discussion. He then asked for clarification for the need for a minimum in the R-1 District or in every zone.

Carol Morris responded that the GMA Board has established minimum density requirements of four dwelling units per acre for city planning. She added that it could be assumed that this minimum would be applicable for all residential zones and offered to provide more information at the next meeting.

**MOTION:** Move to direct staff review and bring back a recommendation for minimum densities in all residential zones.  
Young / Ekberg –

Mayor Hunter commented that staff has quite a backlog of work at this time and it would be important to let them know whether this is something that could be postponed until later. Councilmember Young responded that this shouldn't take much time and that it is very important to get done.

**RESTATED MOTION:** Move to direct staff review and bring back a recommendation for minimum densities in all residential zones.  
Young / Ekberg – six voted in favor. Councilmember Franich voted no.

Councilmember Kadzik asked if a second reading of the ordinance is necessary due to the fact this is a simple approval by Council. John Vodopich explained that the municipal code allows for passage of ordinances at their first reading by a majority plus one of the full Council.

Councilmember Ekberg responded that this method is reserved for emergency use and this ordinance should come back for a second reading.

3. First Reading of Ordinance – Allowing Independent Living Facilities as a Conditional Use Permit. Jennifer Sitts, Senior Planner, presented information on this recommendation from the Planning Commission to conditionally permit independent living facilities in the B-2 general business district.

Councilmember Franich asked if this would be the best use for the B-2 zone. Ms. Sitts explained that the applicant for the text amendment said that the type of property that they are interested in developing would be in a transition zone of commercial to residential. This is because residents of these independent living facilities would want access to B-2 services as well as the amenities of a residential zone. She continued to explain that the Comp Plan provides for residential use if within a mixed-use development. An independent living facility provides services; and therefore meets the intent of the B-2 zone to provide a variety of services.

Councilmember Ekberg cited an example of this use located behind the 4700 Pt. Fosdick Medical Building.

Councilmember Franich said he was concerned with the ability to construct an unlimited size non-commercial building in the B-2 zone on the Westside. He asked if the Planning Commission had planned on addressing this issue. Ms. Sitts responded that the Planning Commission would need direction from Council to start on another text amendment.

Mayor Hunter explained that the term “commercial structure” is used in the Olympic Village Westside, but the lots in downtown Gig Harbor are governed by a square footage per building limitation. The area zoned B-2 on Burnham Drive needs consideration because it abuts residential lots. Ms. Sitts explained that the zone transition in the Design Manual requires either screening of large buildings, or requires that they mimic the adjacent residential structures. This would provide some protection.

Councilmember Young said that some of the commercial buildings on the Westside would not be possible if a building size limitation was imposed on all structures. He said that he did not think there should be a limit in the B-2 zone, although he understands the 65,000 square foot limit on retail use is due to traffic impacts. Mayor Hunter agreed, but said that there are other areas in which limitations should be considered.

Councilmember Franich said that he would like further clarification on building size limits in the B-2 zones around the city. Mayor Hunter asked if staff could provide a map that delineates what could be built in each of the B-2 zones.

Councilmember Young commented that the ordinance adopting building sizes was passed very recently, and this issue was discussed at length. He said that he would hesitate to spend even more time on this.

Councilmember Franich responded that he did not understand at the time that the 65,000 s.f. limit would not cover all uses in the B-2 zone. He said that he would like to see a map come back at the next meeting.

#### 4. First Reading of Ordinance – Clarifying the Requirements for Sewer Hook-ups.

John Vodopich explained that this ordinance clarifies the requirement for existing structures within the city or in newly annexed areas to not be required to hook up to sewer unless a Local Improvement District were to be formed or if there is a public health/safety or welfare concern. The ordinance allows for an exception clause in which the City Engineer could allow for individuals to install a new septic system within the city limits conditioned upon several provisions.

Councilmember Dick voiced concern that if this is adopted, there will be no new sewer projects. He explained that financing of sewer improvements depends on a rate base, and you would not be able to determine how many people would participate if they were not required to hook up. This takes away the incentive to form an LID to extend the

sewer. He said he would like to table this indefinitely and perhaps consider certain exceptions that wouldn't lock the city into inability to bring in a neighborhood as a whole.

Mayor Hunter agreed that there should be language added that someone who meets the criteria to install septic will sign a document agreeing to participate in an LID.

Councilmember Franich said that historically, property owners were not required to hook up to the sewer, and he believes that they should be given the choice.

Councilmember Young discussed the problem of the vacant parcels that cannot develop because the sewer is too far away and they are not allowed to install septic because they are located in the city. This applies unless they meet the exception that the lot was created prior to the adoption of the Growth Management Act. The cost to bring sewer from a great distance makes it prohibitive for someone to subdivide a lot. He added that he isn't even sure if the GMA would allow rural service in an urban area.

John Vodopich explained that this was the intent to strike the existing exception clause, because the entire city is in a location planned to be served by city sewer. In effect, no one within city limits could meet the criteria. The new exception would address lots created prior to 1990.

Carol Morris explained that the Growth Management Act doesn't address whether the city can allow septic systems but requires the city to have a Sewer Comprehensive Plan that shows the location of utility lines. She addressed a comment made by Councilmember Franich, responding that in the existing code, it is not an option for someone to not hook up if you are within so many feet of a sewer line. The proposed ordinance changes this substantially.

Ms. Morris then addressed the concerns voiced by Councilmember Dick regarding sewer rates and connection fees. She recommended that the consultant that prepared the city's rate study review the proposed language and report back on whether it could have a negative financial impact.

Councilmember Franich said that John Vodopich had said that he was unaware of any 120 day notices being issued. Ms. Morris explained that this is because no sewer projects have occurred to necessitate the notice. She asked if he would like to consider an additional time period for newly annexed areas to hook up.

Councilmember Franich then asked for clarification on how many annexed properties and developments in the past three years have not hooked up to sewer. John Vodopich explained that recently, the Hazen annexation had duplexes that have not hooked up. He added that new development is required to hook up.

Mark Hoppen stated that just recently, the 120-day notice had been issued to apartments on Point Fosdick due to health issues.

**Motion:** Move to table this ordinance to allow staff to see what can be done to accommodate some of these things; to deal with some of the issues; and to come back with an ordinance that doesn't sweep so broadly with such unintended consequences.  
Dick / Conan –

After further discussion, Councilmember Ekberg summarized that the main issues are: newly annexed areas with functional systems, property too far away from an existing line to be practical and financial considerations. Councilmember Dick agreed that the intent of his motion was to direct staff to look at all these issues and to come back with information.

John Vodopich said that at the November Council meeting, a two-year grace period had been proposed to give additional time for someone to hook up. Council direction at that time was to not require people to hook up. He said that at the time, Gray & Osborne, the consultant that provided the rate study, indicated that a grace period would not have an adverse financial implication. John asked to be allowed to have G&O review the current ordinance for comment and then he would take the ordinance back to the Community Development Committee for consideration.

**Restated Motion:** Move to table this ordinance to allow staff to see what can be done to accommodate some of these things; to deal with some of the issues; and to come back with an ordinance that doesn't sweep so broadly with such unintended consequences.  
Dick / Conan – unanimously approved.

5. Gig Harbor Historical Society Museum and Garage Re-roofing – Contract Authorization. John Vodopich presented this contract to re-roof the Museum and garage, adding that it was an unanticipated expense. Staff answered questions regarding the cost, long-term plans for the buildings and condition of the buildings.

**MOTION:** Move to authorize the award of the contract with Contractor's Roof Service, Inc. in the amount of Twenty-two Thousand Thirty-two Dollars and Thirty Cents (\$22,032.30).  
Franich / Ekberg – unanimously approved.

6. Proposed Annexation – Resource Properties (ANX 05-910). John Vodopich presented this request to annex approximately eight acres off Peacock Hill. This request came to Council back in November and included the six parcels to the south. At that time, several property owners objected to being included. Council denied the initial request. Mr. Vodopich said that the applicant is now asking to annex two parcels. Council has the option to accept, reject, or modify the boundaries of the proposal.

David Robertson – Peacock Hill. Mr. Robertson said that he is also speaking for his neighbors, Pat LaBlanc and Ken Hemley. When this came before Council in November, they objected to the proposal because it included their properties. For various reasons,

they choose not to become part of the city. At this time, they have no objection to the current proposal but are concerned that if the annexation takes place they will be mandated to join the sewer district. He explained that it would cost them each \$20,000 - \$40,000 to hook up. He requested a condition that the developer or future homeowners association be responsible for their hook up.

Alan Ketter – PO Box 310, Spanaway. Mr. Ketter said when he approached the city back in August to annex his two parcels, he was advised by John Vodopich to include the other properties in order to square up the boundary. He said that he approached all the property owners before the November meeting offering to help. He stressed that he respects their decision to not be included and that it has never been the intent to create a financial hardship for anyone. He said that the sewer line extension will run up Peacock Hill and Ringold and will include street and sidewalk improvements. The wetlands study is complete and he is meeting with the city planners in anticipation of the annexation. He thanked Council for consideration, adding that they would love to be part of this first-class city.

Mayor Hunter asked for clarification on his comment that they would like to help the adjacent property owners hook up to sewer. Mr. Ketter said that they would be willing to help if it is a financial issue.

Councilmember Young asked for clarification on the other property owner's concern that they would be forced to hook up to sewer. Mr. Vodopich explained that the concern is that a future Council might initiate an annexation.

Mark Hoppen clarified that if annexation doesn't occur, there is no reason that a sewer extension couldn't be initiated within the UGA conditioned upon requirements that meet the needs of everyone in the area. The concern that a future Council could initiate an annexation is valid. One option is to look at a sewer extension and latecomer's agreement.

Councilmember Franich asked the applicant the reason he wished to be annexed into the city if sewer is available without it. Mr. Ketter responded that the first time he entered the Civic Center he was greeted by a smiling staff and didn't have to take a number and wait. He was so impressed by staff and their willingness to help; it has been a positive experience. He has dealt with the County for 30 years, and added "Wow, who wouldn't want to be in this city?"

Councilmember Kadzik addressed the comment that this Council's actions are not bound to future Councils. He said that he believes that Councilmembers are looking out for the welfare of the citizens and he didn't think that a forced annexation would be a concern. Councilmember Ekberg agreed as did Councilmember Conan, who added that he isn't so concerned with the peninsula of land being proposed as opposed to a "donut hole" of property left un-annexed.



**MOTION:** Move to accept the Notice of Intent to Commence Annexation; authorize the circulation of the petition to annex as outlined by the staff recommendation for three conditions.  
Ekberg / Kadzik – unanimously approved.

7. First Reading of Ordinance – Standing and Special Council Committees. Mark Hoppen presented the background information on this ordinance proposed by Councilmember Young to formalize the Council Committees. He said that one small distinction is that the Mayor will act as an Ex Officio for each committee. The committees would consist of: Public Safety, Operations and Public Projects, Planning and Building, Inter-governmental Affairs, and Board and Commission Appointments.

Councilmember Ekberg said that it would be helpful to have more delineation of what each committee is tasked to do before moving ahead. Councilmember Conan agreed.

Mayor Hunter asked to be allowed to go ahead and set up the committees and operate the way they have been in the past to allow him some time to understand the process and why it should be changed.

Councilmember Young explained that he brought this up during the retreat and Council unanimously agreed that this be proposed. He said that is it now before Council because it is the beginning of the year and time for committee appointments. In the past, the committees have recommended policy changes and made recommendations to the rest of Council, whereas Mayoral Advisory Committees traditionally only deal with things such as personnel issues. This ordinance would set requirements for the meetings to be noticed, and it would allow the committees to hold a public hearing if they so choose. The committees have evolved over the years as the city has become larger and more sophisticated and this ordinance formalizes the process.

Councilmember Payne asked for clarification on the current committee structure and agreed it would be valuable to know the responsibilities of each of the proposed committees.

Councilmember Young responded that traditionally there has been a Community Development Committee, a Finance Committee, a Parks Committee, and a Public Safety Committee. Recently, the Community Development Committee has been meeting on a regular basis. The others only meet once a year or so. He then said that he didn't intend to strictly define the role of the committees. He said that it would be appropriate to add a Finance Committee adding that other cities delegate bill-paying authority to this function. He concluded by saying that the committees would allow more involvement and more thoughtful decision making.

Councilmember Franich said that he too would like more delineation of the tasks. He then asked for clarification on the Board and Commission Appointment Committee. Councilmember Young said that the past appointment process has been flawed. He explained that this committee will allow an interview process to better know the

applicants and their qualifications. He stressed that this ordinance does not take any authority from the Mayor or his ability to form Ad Hoc Committees at any time.

Councilmember Dick said that typically, Council Committees are not formed by the Mayor but by Councilmembers themselves. Mark Hoppen read from Section 2.51.040 or the proposed ordinance; "Councilmembers shall be assigned to a standing committee as determined by the Mayor *and* City Council." This would infer that members would reach consensus for which committees that they would serve.

Councilmember Ekberg agreed that if it is going to be the Council's committees, they should be allowed to select their own members. He said that he agrees with the formalized standing committees, he just doesn't want them to be vague.

Councilmember Franich said that the people voted for the Mayor and are putting a lot of faith in his ability to do a job. He said that the Mayor should have a lot of input to appoint this type of thing.

Councilmember Payne said that he is comfortable with the language "as determined by the Mayor and City Council." This is a collaboration of efforts. He said that he would like clarification on the function of the committees before the second reading.

Councilmember Young further explained that he thought that the splitting of the Community Development Committee would help the workload. The addition of the Inter-governmental Affairs would replace the past practice of his Ad Hoc representation in Olympia.

Councilmembers discussed the noticing requirements. Carol Morris clarified that you would not have to publish a notice in the paper, just post the agenda in the regular places.

Councilmember Conan voiced concern that this is a drastic change from current practice because the Mayor chose who served on the committees in the past. He said that he supports the split of the Community Development Committee. Councilmember Young disagreed that the change is that drastic from past practice because Councilmembers were asked for which committees they wished to serve. Both agreed that the meetings need to be open to the public regardless.

Councilmember Franich commented that he would like to see committee reports distributed to the other Councilmembers.

**MOTION:** Move to amend 2.51.020 to add language to require committee reports.  
Franich / Young – six voted in favor. Councilmember Payne voted no.

Councilmember Franich suggested discussing this further during the Council Retreat before it comes back for a second reading on February 13<sup>th</sup>.

**STAFF REPORT:**

1. Dick J. Bower, Building Official/Fire Marshal - NIMS Compliance Update. No verbal report given.
2. Jennifer Sitts, Senior Planner – Planning Commission Work Program for the Critical Areas Ordinance Update. Jennifer Sitts explained that the city would like to apply for a 5 million dollar Community Economic Revitalization Board Job Development Fund grant, which may be jeopardized if the city is not in compliance with the Growth Management Act. Currently, the Critical Areas Ordinance Update is slated for the second tier of the Planning Commission work session schedule and would not be considered until May or June. In order to comply with the GMA, the Critical Areas Update would have to be adopted by March 27<sup>th</sup>. She asked Council to consider the option to either remove the critical areas ordinance update from the Planning Commission's work program, to move this item up to the first tier, or to direct them to hold additional special meetings to complete the update review.

Councilmember Young commented that within a week or so, the Legislature may make a decision to extend the deadline for compliance. Mark Hoppen reported that he has submitted the pre-application for the grant and is working with Franciscan to develop the complete application. He urged Council to be pro-active in an effort to meet the deadline.

Mayor Hunter suggested that a committee take a look at this issue.

Councilmember Kadzik said that the Planning Commission had forwarded a recommendation for approval of the update to Council in 2004. He asked where it has been since that time.

John Vodopich responded that due to an issue with buffers, Council made a budget objective for 2005 to complete a wetland inventory. When this was completed, a recommendation from the Community Development Committee came before Council in November, 2005. Council then sent it back to the Planning Commission because they had not the benefit of the wetlands inventory when they made the first recommendation for approval.

Councilmember Dick said that he thought this should take top priority, especially since the city is applying for a grant. He said that he would like it to go through the Planning Commission, but because they are over tasked, then Council should take it on. He stressed the importance and seriousness of the buffering issue and what the best available science will support.

Councilmember Conan added that it is mandated by the Critical Areas Update that the best available science is used to support the decision. He said that doubling the existing

buffer requirements is too drastic and that a review committee could take this into consideration.

Councilmember Kadzik explained that when the consultant presented their interpretation of best available science, the Planning Commission took the information and had a tremendous amount of discussion on all the issues. In addition, they took quite a bit of public input. He said that the resulting recommendation is a good start and if sent back to the Planning Commission, the recommendation may not be much different. He suggested holding another public hearing between the first and second reading of an ordinance to see what kinds of best available science comes from those with a vested interest. He recommended to not send this back to the Planning Commission.

Councilmember Young voiced concern with holding another public hearing on the existing recommendation because so much public comment had already been taken. He suggested appointing a Council Committee; take a little more time if the legislature extends the deadline; then draft another recommendation for the public process.

Councilmember Dick asked if it was necessary to appoint a separate committee because the Community Development Committee had already spent so much time on this issue. Councilmember Franich agreed that this needs to be done. He added that the final decision will be arbitrary to someone, but it is time for Council to make a decision.

Councilmember Kadzik asked if the recommendation from the Planning Commission had been considered too stringent or too lenient in the eyes of the Community Development Committee. Councilmember Young responded that the problem is that the “catch-all buffer” doesn’t relate to what actually works. Not all uses, properties, or topographies are affected equally.

Councilmember Payne offered to serve in addition to the existing members of the Community Development Committee due to his background and resources. Mayor Hunter thanked him and agreed to send this back to the Community Development Committee for further review.

Councilmember Ekberg asked whether this should come back as an agenda item for discussion. Councilmember Payne recommended the committee moving forward, and to wait for the decision from the legislature before making it an agenda item for Council.

3. David Rodenbach, Finance Director – 2005 4<sup>th</sup> Quarter Financial Report. Mark Hoppen summarized that the projected revenues and expenditures were just a fraction different than what had been forecasted.

## **PUBLIC COMMENT:**

Doug Sorensen – 9409 North Harborview Drive. Mr. Sorensen commented on the Critical Areas Update, saying that five million dollars is nothing when you consider the impact on the city. He also said that there is no guarantee that the city will receive the grant and recommended that Council slow down the process. He asked how many Councilmembers know what “best science” is and recommended that until they thoroughly understand what it means, not to accept it. Mr. Sorensen then asked Council to direct the City Attorney to look into fully researching the ownership of Wheeler Street. Many years ago Council set aside several street ends for parks; the last being Wheeler Street. In the 34 years he has lived here, Wheeler Street has always been a public access unlike any other street that has been vacated. He stressed that the city should not let this go.

Mark Hoppen commented that Mr. Sorensen is correct, agreeing that this needs a higher degree of scrutiny to determine claimed ownership. Ms. Morris said that if a street vacation is filed, she would do the research and come back to Council with a report.

## **COUNCIL COMMENTS:**

Councilmember Franich voiced concern with the street condition on the Wollochet Drive onramps and overpass. He said that he understands that it requires an interlocal with the State in order to repair these roads. He made the following motion.

**MOTION:** Move to direct staff to come back with a draft ordinance or resolution that would allow the city to make repairs on streets that come under the purview of WSDOT.  
Franich /

The motion died for a lack of a second. Mark Hoppen said that he would come back with a staff report after contacting WSDOT to determine the options.

Mayor Hunter reported on the concerns that came up at the last meeting regarding the roundabout at Peacock and Borgen Boulevard. He explained that he had discussed the issue with staff and County Councilmember Terry Lee, and a letter had been issued to the contractor to change the crosswalk from Borgen to Peacock and make a sidewalk that would be ADA accessible. He said that he believes that there will be a lighted crosswalk.

## **ANNOUNCEMENT OF OTHER MEETINGS:**

City Council Retreat – Monday, February 6, 2006; 12:00 noon in Community Rooms A & B at the Gig Harbor Civic Center.

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

**MOTION:** Move to adjourn to executive session at 9:21 p.m. for approximately fifteen minutes to discuss pending litigation per RCW 42.30.110(1)(i).  
Ekberg / Young – unanimously approved.

**MOTION:** Move to return to regular session at 9:39 p.m.  
Dick / Ekberg – unanimously approved.

**MOTION:** Move to direct the Planning commission to hold a public hearing to consider amendment of Ordinance 1008 as follows:

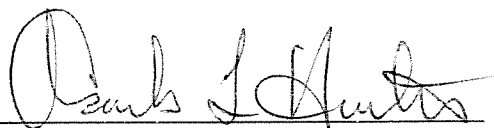
- Section 2 of Ordinance 1009, amending Section 17.04.360 of the Gig Harbor Municipal Code, which is the definition of “gross floor area;”
- Addition of new definitions to chapter 17.04 GHMC, including but not limited to “basement,” “underground,” “finished grade,” and “original grade;”
- Amendment of chapter 17.72 GHMC to include maximum number of parking spaces for certain types of uses, including but not limited to, single family residential; and
- In the context of the above, to re-consider the square footage and maximum foot print limitations imposed by Ordinance 1008 on the WM, WC and WR zones.


Payne / Kadzik – unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:41 p.m.  
Ekberg / Young – unanimously approved.

CD recorder utilized:  
Disk #1 Tracks 1 – 21.  
Disk #2 Tracks 1 – 17.

  
\_\_\_\_\_  
Charles L. Hunter, Mayor

  
\_\_\_\_\_  
Molly M. Towslee, City Clerk