

GIG HARBOR CITY COUNCIL MEETING

FEBRUARY 8, 1993

7:00 P.M., CITY HALL COUNCIL CHAMBERS

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
FEBRUARY 8, 1993**

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. Central Puget Sound Growth Planning Hearing's Board

OLD BUSINESS:

1. Resolution for Groundwater Management.

NEW BUSINESS: None scheduled.

DEPARTMENT MANAGERS' REPORTS:

1. Ben Yazici, Public Works - Bio-Cycle Conference.

MAYOR'S REPORT:

1. 1993 - A Year of Planning - Current Projects.

ANNOUNCEMENT OF OTHER MEETINGS:

1. ADA Community Meeting - Wednesday, February 24th, 5:30 p.m. at City Hall.
2. North Harborview Planning Meetings - February 10th and March 1st, 7:00 p.m. at City Hall.

APPROVAL OF BILLS:

Warrants # through # in the amount of \$

PAYROLL:

Warrants #8005 through #8123, less #8000 used as a feeder, and #'s 8001-8004 and 8035 used for test patterns, in the amount of \$145,988.42.

EXECUTIVE SESSION:

1. To discuss personnel issues.

ADJOURN:

WORKSESSION:

1. Procedural Training for Quasi-Judicial Officers/Ogden, Murphy and Wallace.

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JANUARY 25, 1993

PRESENT: Councilmembers Frisbie, Stevens-Taylor, Platt, English, Markovich, and Mayor Wilbert.

PUBLIC COMMENT:

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich voiced his dissatisfaction at council's allowing the extension in the Darrah Case.

CALL TO ORDER: 7:15 p.m.

APPROVAL OF MINUTES:

MOTION: To approve the minutes, with corrections, of the meeting of January 11, 1993.
English/Platt - unanimously passed.

CORRESPONDENCE:

1993 Trolley Plan. Mayor Wilbert gave a brief overview of the plan, and spoke of the success of the Trolley in 1992.

OLD BUSINESS:

1. Resolution - Variance 92-08 Perrow.
Ray Gilmore presented the Resolution to council and asked for clarification of language regarding restricted use.

MOTION: Move to approve Resolution #371, with correction in the language to reflect restriction of hedges or fences from the edge of the garages to the right of way along the property lines in order to maintain sight distance to the adjacent driveway.
Frisbie/Platt - all voted in favor, with Councilmember Stevens-Taylor abstaining.

2. Grande Bank Utility Extension Capacity Agreement.
Ben Yazici presented the agreement signed by Jeff Edwards.

MOTION: Move to approve the Grande Bank Utility Extension Capacity Agreement.
Frisbie/Stevens-Taylor - unanimously passed.

NEW BUSINESS:

1. Resolution for Groundwater Management.
Ben Yazici presented a brief overview of the resolution, then introduced Jodi Snyder and Steve Marek, Pierce County Health Department. Ms. Snyder presented council and staff with an Executive Summary and Aquifer Capacity Management Issue Paper for the Groundwater Management Program, then explained the program. Councilmembers asked several questions regarding the program, and Mr. Yazici clarified

the steps currently being taken by the public works department to protect the groundwater, and explained how this program would help other water companies, as well as private well owners, to protect the available groundwater. Several councilmembers stated they would like additional time to review the documents.

MOTION: To table action upon this resolution until the first council meeting in February.
Frisbie/English - unanimously passed.

2. Resolution adopting Court Administrator Job Description.
Mark Hoppen presented the resolution.

MOTION: Move to adopt Resolution #372, with corrections.
English/Stevens-Taylor - unanimously passed.

3. Contribution to Parks Master Planning.
Mark Hoppen gave an overview of the Master Planning Project for Peninsula Parks. He explained the requested funding could be obtained by reallocating \$5,000 from planning monies devoted to Gig Harbor North park acquisition. Councilman Frisbie requested that the letter from the project planner, J.C. Dragoo, which committed to the analysis of impact fee funding, be incorporated into the final agreement. Councilman Markovich spoke in favor of the program, as past efforts to develop a park plan in the area had been unsuccessful.

MOTION: Motion to reallocate \$5,000 from the Gig Harbor North park acquisition to the Parks Master Plan, and to include the terms of the Dragoo letter as part of the scope of work for the plan.
Frisbie/English - four in favor, Platt voting against.

4. Liquor License Renewals - Harbor Inn; Shoreline. No action required.
5. Special Occasion Liquor License - Harbor Montessori. No action required.
6. Bid Advertisement for Newspaper Services. No action required.

DEPARTMENT MANAGERS' REPORTS:

1. Planning Department. Ray Gilmore reported on the Visioning Survey Summary. Councilman English praised Beckwith and Associates' efforts. Other councilmembers voiced concerns that the majority of response to the survey were from citizens living outside city limits. It was agreed the visioning survey was a good base from which to begin.

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich admonished

council for hiring someone from Bellevue to try and tell citizens of Gig Harbor how to live, and brought up Murphy's Landing and the cluster housing on Peacock Hill as an example of why he thought participation of people living within city limits during the visioning process was low. He stated that people felt their concerns during these two projects had been ignored, thus they were reluctant to participate.

Wade Perrow - 4012 Benson. Mr. Perrow agreed with Councilman English praising the efforts by Beckwith and staff in the visioning survey process. He added that zoning laws are what allowed Murphy's Landing to be built, and that any attempt to implement a design review process had received strong opposition. He also voiced support for council's concerns that the survey results are not statistically sound, but a good baseline.

Joe Hoots - 2602 64th Street. Mr. Hoots apologized for not participating in the survey. He added that even though he lived outside city limits, he felt this was still his city. He then spoke of the view blockage problem created by trees.

Councilman Frisbie then questioned Mr. Gilmore on when the Tallman Annexation and the Shoreline Management Plan would be back in front of council. Discussion by council and staff determined that the Planning Commission's schedule was full and an Ad Hoc Committee, comprised of two council members, two Planning Commission members, and possibly one citizen, could be formed to deal with the Shoreline Management Plan. Councilman Markovich offered to participate on this committee. Legal counsel agreed the committee was within legal limits, and a committee will be formed.

2. Finance. Tom Enlow presented the quarterly report. The general fund ending balance is \$150,000 higher than anticipated, which will help cover any shortfalls.

Councilman Platt questioned the current, low investment interest rate. Mr. Enlow explained he was working on revising the city policy, as the current investment policy restricts the freedom for some investment opportunities.

APPROVAL OF BILLS:

MOTION: To approve warrants #9973 through #10033, less #9978 and #9979 used as test patterns, in the amount of \$61,198.17.
Platt/English - unanimously approved.

EXECUTIVE SESSION:

MOTION: To go into executive session to discuss personnel and legal issues at 8:25 p.m.

Markovich/English - unanimously approved.

MOTION: To return to regular session at 9:00 p.m.
English -Taylor/Platt - unanimously approved.

ADJOURN:

MOTION: To adjourn at 9:05 p.m.
English/Stevens-Taylor - unanimously approved.

Cassette recorder utilized.
Due to recorder microphone
malfunction, tapes cannot be
heard.

Tape 301 Side B 436 - end.

Tape 302 Side A 000 - end.

Mayor

City Administrator



M. PETER PHILLEY
Board Member

JOSEPH TOVAR
Board Member

CHRIS SMITH TOWNE
Board Member

STATE OF WASHINGTON
CENTRAL PUGET SOUND
GROWTH PLANNING HEARINGS BOARD

2329 One Union Square • 600 University Street • Seattle WA 98101-1129
Tele: (206) 389-2625 • Fax: (206) 389-2588

RECEIVED

JAN 27 1993

CITY OF GIG HARBOR

PRESS RELEASE

January 25, 1993

The Central Puget Sound Growth Planning Hearings Board has issued its first Final Decision and Order on a petition for review in Case No. 92-3-0001, Tracy v. Mercer Island. The decision was entered on January 5, 1993.

Major issues raised in the petition were decided as follows:

Do the Growth Management Act (GMA) public participation requirements apply to the process of adopting critical area regulations? The board concluded that the GMA's public participation requirements, which are separate from those required by the State Environmental Policy Act (SEPA), do not apply to the adoption of critical areas regulations.

Was the City of Mercer Island's notice of determination, issued pursuant to SEPA, misleading? The board ruled that Mercer Island's SEPA notice was sufficient. However, it cautioned that it was only marginally so, and that similar notice in the future might not meet the GMA's public participation requirements.

Do "piped watercourses" as defined in Mercer Island's Critical Areas Ordinance constitute "critical areas" as defined in the GMA? The board concluded that Mercer Island did not comply with the GMA in protecting "piped watercourses" as critical areas. It reasoned that a watercourse that has been piped is no longer a critical area, and retroactively protecting piped watercourses does not make up for what has already been lost.

Do "publicly and privately owned passive open spaces" as discussed in Mercer Island's Critical Areas Ordinance constitute "critical areas" as defined in the GMA? The board noted two crucial points concerning the discussion of "open spaces" in Mercer Island's Ordinance. First, the phrase "publicly and privately owned passive open space", while included in the definition of critical areas, is never itself defined. On this point, the board found the inclusion of this phrase led to internal inconsistency in the ordinance, especially since such open spaces were never regulated. Second, the board notes that the GMA does not include "open spaces" in its mandate to local governments to protect critical areas through regulation. The GMA does, however, include "open space" in sections pertaining to planning goals and land use elements of a comprehensive plan. The emphasis in the GMA regarding "open spaces," the board concluded, is policy related, and not regulatory, as is the case with Mercer Island's Critical Areas Ordinance. Therefore, if Mercer Island intends to regulate open spaces through a critical areas ordinance, it must first define the terminology, then explain why open spaces are critical, followed by designating open spaces and finally, by enacting an appropriate ordinance.

In accordance with the above findings, the board ruled that Mercer Island's Ordinance No. A-96 was in compliance with the requirements of the GMA and SEPA except for those portions of the ordinance that include "piped watercourses" within the definition of the term "watercourses," and the designation and regulation of "public and privately owned passive open space."

The ordinance is remanded to the City of Mercer Island with instructions to eliminate references to "piped watercourses" in the ordinance; "public and privately owned passive open spaces" are to be deleted also, or further refined. The board directed the City of Mercer Island to comply with the Final Decision and Order by 5:00 p.m. on Friday, April 30, 1993.

For more information about this decision, please call Pete Philley, presiding officer, at (206) 389-2625.



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3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

MEMORANDUM

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR *BY*
DATE: FEBRUARY 4, 1993
RE: GIG HARBOR PENINSULA GROUND WATER
MANAGEMENT PROGRAM

After four years of work, the Gig Harbor Ground Water Management Program is now published. Before you is the resolution which we are recommending for your approval.

This program was started in 1989 with the leadership of the Tacoma Pierce County Health Department and guided partially by the Department of Ecology grants.

The goal of the program is to insure safe, sustained supplies of drinking water for residents of the Gig Harbor Ground Water Management area. Under this goal, the program intends to achieve the following objectives:

- 1) Facilitate efforts to obtain the information necessary to support proper utilization of ground water resources.
- 2) Support the achievement of new programs and/or the enhancement of existing programs for management of ground water resources utilization.
- 3) Enhance efforts to protect ground water resources from the impact of all significant sources of contamination.
- 4) Reduce the potential for ground water contamination associated with the improper construction or abandonment of wells.
- 5) Promote greater public recognition of the importance of Gig Harbor's Ground Water Management Area water resources and the negative consequences of improper management of those resources.
- 6) Provide support to efforts by Pierce County to develop a Comprehensive Land Use Management Plan pursuant to the requirements of the State Growth Management Act.

- 7) Develop a viable option for providing adequate levels of funding to support achievement of the aforementioned objective.

We installed automatic static water level measuring devices on all of our wells and our system is entirely interconnected. In addition, each pump house has independent meters and other devices to measure its performance. We feel that we are doing a good job of managing our wells.

We hope that this Ground Water Management Program will provide the means and the encouragement to other water utilities that also service the Gig Harbor Peninsula to do a better job of managing the water supply system.

PREVIOUS ACTION:

At the January 25, 1993 meeting, Councilmembers were provided copies of the Ground Water Management Program. The item was tabled to give councilmembers additional time to review the supporting documents.

RECOMMENDATION:

I recommend a Council motion to approve the enclosed resolution which indicates the Council's intent to support implementation of the Gig Harbor Peninsula Ground Water Management Program.

BIOCYCLE

You're Invited To:

Learn best methods to integrate recycling goals into composting projects

Find ways to stretch solid waste budgets by targeting source separated organics

Get firsthand insights on best opportunities for entrepreneurial initiatives

Choose the right equipment and systems for processing and collecting

Gain fresh knowledge into market development and end use options

45 Technical Sessions ... Field Trips ... Exhibits

1993 WEST COAST CONFERENCE RECYCLING/ COMPOSTING SOLID WASTE AND BIOSOLIDS

March 1, 2, 3, 1993
Seattle, Washington
The Westin Hotel

MAYOR'S REPORT

2/8/93

1993 - A YEAR FOR PLANNING CURRENT PROJECTS

Planning activities will be the focus of the City during 1993. The Community Development Department will find their "in office" time consumed by the requirements of the Growth Management Act. Additionally, the staff will be attending numerous meetings within the community to coordinate planning for an historic element, shoreline management, emergency preparedness and alternative transportation.

Planning for some small urban parks on our existing city right of ways, as well as consideration of ways to obtain appropriate waterfront acquisition to preserve our historic maritime heritage and economy will be high on my agenda.

You may notice we have already begun. In January, the Urban Growth Boundary Workshop produced the ability to show property owners the advantages and disadvantages of having the U.G.B. bisecting a property. Council will be asked to formulate policy for the staff to follow in answering requests for future development along those lines.

February 10th and March 1st, Staff will be planning, with the community, the conceptual plan for improvements through the three block business area on North Harborview Drive.

Mr. John Miller, Chairman of the Greater Gig Harbor Community Group, is reviewing the Emergency Preparedness material. We must heed the warnings and assist our citizens with a plan for survival. We are told citizens cannot count on agency help for at least seven days. It will be essential for each neighborhood to evaluate and assess resources within their area, identify where emergency help is needed and assimilate a plan to care for one another by knowing how to access the system.

Soundview resident, Linda Clifford, has been appointed to the Pierce County Historic Landmarks Commission and, along with the Peninsula Historical Society, will guide us through an educational "show and tell", showing the pros and cons of various programs available for recognition of our rich cultural heritage in Gig Harbor.

Last, but by no means least, is our focus toward providing alternative means for county and city residents to responsibly dispose of unsewered waste.

Another harbor basin protection element will focus on the toughest of them all; a view retention and reclamation policy. Identifying the valuable, healthy, urban forest and managing it to provide and protect the view corridors, will be the challenge.

It's an ambitious agenda for 1993, but the policies to come forth from the studies will begin to set some groundwork for the 1994 city budget.

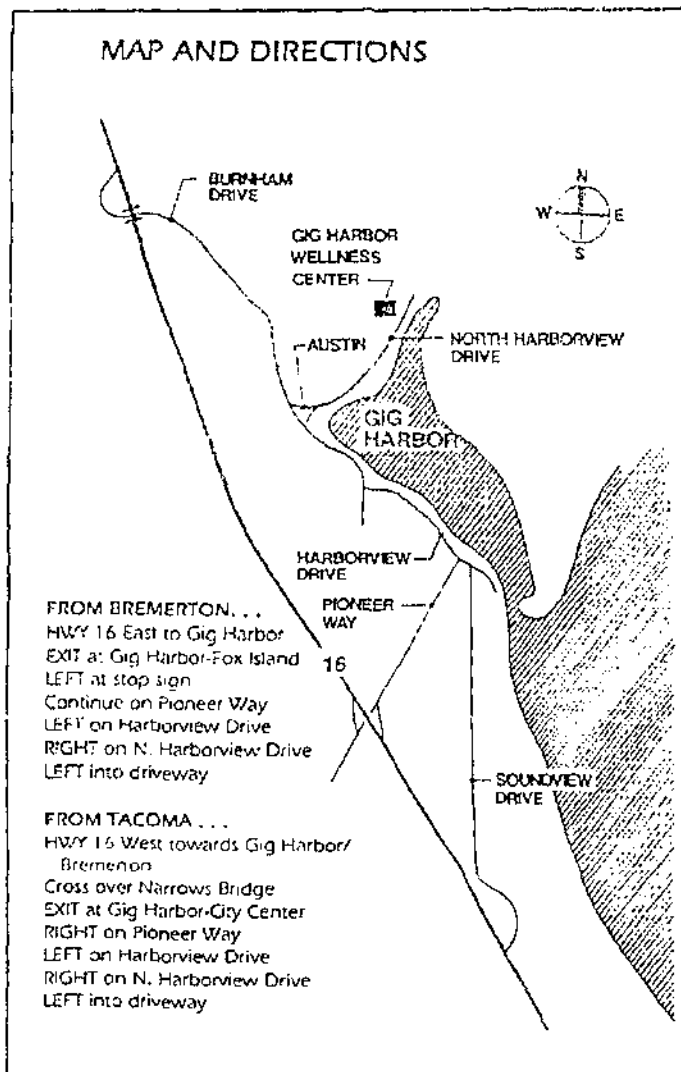
Fletcher Herbert
Mayor



Open House

February 11, 1993

4:00pm - 7:00pm



Gig Harbor Wellness Center is hosting an Open House and we cordially invite you to attend.

Open House

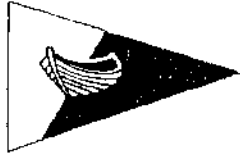
- Tours of Facility
- Free hearing and blood pressure checks
- Educational Videos
- Hors d'oeuvres

Gig Harbor Wellness Center is licensed as a boarding home for the aged for 38 residents.

Services We Offer:

- Assisted care for persons with stroke, Alzheimer's or similar disease
- Physical Rehabilitation Programs
- Assisted care for the generally frail
- Adult Day Health and Day Care Programs

9324 North Harborview Drive, Gig Harbor, WA.



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CITY OF GIG HARBOR PUBLIC NOTICE

February, 1993

The City of Gig Harbor is committed to providing equal access in all areas of employment and services.

To ensure compliance with the Americans with Disabilities Act, a self-evaluation process has been established to review and evaluate existing policies, procedures, services and facilities with the goal being the elimination of artificial barriers to individuals with disabilities.

We invite interested persons to comment on how the City of Gig Harbor is doing in these areas. Tell us what we can do to make our programs, services, and facilities more accessible to persons with disabilities. Additionally, a meeting will be held Wednesday, February 24, 1993, beginning at 5:30 p.m. at City Hall for all interested parties.

Please send your comments to:

*Mr. Mark Hoppen, City Administrator
City of Gig Harbor
P.O. Box 145
Gig Harbor, WA 98335*

You may also call 206-851-8136 during working hours, or leave a message on the recorder after hours. Your comments should be received by February 22, 1993.



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January 27, 1993

Subject: Renovation of North Harborview

To the Residents, Business & Property Owners of
North Harborview Drive:

You are cordially invited to attend two planning workshops to formulate design for the reconstruction, renovation, rejuvenation, and revival of the North Harborview Drive business and residential corridor. This encompasses the area from Peacock Hill Avenue to Burnham Drive.

The first workshop will give Public Works Director, Mr. Ben Yazici (pronounced YAH-ZEE-GEE), the opportunity to present a conceptual plan using suggestions gathered almost two years ago from the neighborhood. Ben will tell us what needs to be done to repair the infrastructure, then he'll answer question and address concerns.

The first meeting will be held Wednesday, February 10, 1993, at 7:00 p.m. at City Hall. From this meeting, Ben will gather ideas to incorporate them into the plan to present at the second meeting. The second meeting will be March 1, 1993, also at 7:00 p.m. at City Hall.

If you are unable to attend these planning sessions and wish to share your ideas and concerns, please write to us at P.O. Box 145, Gig Harbor, WA 98335.

We think most of the problems are apparent. But just to be sure we've considered the design from every angle, let us hear from you. Your taxes will be working to serve you.

Remaining at your service,

Mayor Gretchen Wilbert



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(206) 851-8136

To: Mayor Wilbert and City Council
From: Mark Hoppen, City Administrator *MH*
Subject: Procedural Training for Quasi-judicial Officers
Date: February 8, Workshop immediately after council meeting
Duration: Approximately one hour
Presenter: Mr. John Wallace

A few months ago, Ogden, Murphy, Wallace reported the case of Lutheran Day Care v. Snohomish County in which the Supreme Court overruled a number of prior cases and held that a municipality was not immune from liability if a quasi-judicial decision maker made an arbitrary decision. In addition, the court, in footnote 1 on page 123, apparently established a new cause of action for "inadequate supervision or training of local government officers who then, in a single act, cause injury." This cause of action is independent of the liability for the actual act causing injury.

Given this case holding, it will be important for the City of Gig Harbor to show the type of training given to planning commissioners, the City Council, and other quasi-judicial officers with regard to their functions and duties of office. This includes information on how to conduct hearings as well as a discussion of some legal requirements for avoiding arbitrary decisions.