

GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 23, 2004

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

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

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 26, 2004.
2. Correspondence / Proclamations:
 - a. Letter - Franciscan Health System.
 - b. Memo - Franciscan Health System.
 - c. Women's History Month Proclamation.
 - d. Pierce County – Affordable Housing.
 - d. Pierce Transit – Board of Commissioners.
 - e. Tacoma Convention & Visitor Bureau.
3. Virtual Law Library – Westlaw Contract.
4. Sanitary Sewer Easement Agreement – Autumn Crest Development.
5. Water Line Easement Agreement – Autumn Crest Development.
6. Permanent Right-of-Way Easement – Olympic Drive Office Building.
7. Stormwater Facilities Maintenance Agreement – Olympic Drive Office Building.
8. Cushman Trailhead – Tacoma Public Utilities Permit No. 1759.
9. 36th Street / Point Fosdick Drive Project – Amendment No. 1 to Contract.
10. Water Vulnerability Assessment.
11. Communications Maintenance Agreement.
12. Approval of Payment of Bills for February 23, 2004.
Checks #42464 through #442604 in the amount of \$373,105.35.

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

OLD BUSINESS:

1. Gig Harbor / Peninsula Community Center Development Proposal – Gary Yazwa.
Mayor Wilbert introduced Gary Yazwa, President and CEO of the Boys & Girls Clubs of South Puget Sound.

Mr. Yazwa gave a report on the progress to identify communities that have the support to partner in an effort find six locations to provide services and opportunities for youth, families and seniors. Mr. Yazwa discussed the floor plan for a 31,000 square foot community center that would cost approximately 6.5 million dollars to build and would contain a gymnasium, a commercial kitchen, an arts and crafts area, a cultural area, a teen center, a senior center, a technology center, community rooms, and many shared office spaces.

Mr. Yazwa continued to discuss the partnership guidelines and the organizational interest in a center of this type and whether or not these organizations would have the

operational capacity, management expertise and fundraising capability to sustain a program, and what the return on such an investment could be.

Mr. Yazwa explained that there is already a commitment for the land in Gig Harbor, complete architectural renderings, and commitments from the private sector contingent on the support of the community. The next step is to get commitment from the Council and Board approval to activate the campaign. He then introduced the Chairman of the Program Committee, Jim Kindred.

Jim Kindred gave an overview of the latest strategic plan to approach the project in phases to ensure quality programs. He explained that they are looking to raise 50% of the capital needs of the project, and a plan to support the on-going operation in each community before they will move forward. The Board would like a commitment of \$150,000 to \$250,000 from the city, adding that the money would not be needed until next year, would be returned to the city if not used.

Mayor Wilbert thanked both Mr. Yazwa and Mr. Kindred for the presentation on such an ambitious program. She asked that this come back as a resolution in the near future, as this is a great opportunity to partner with the Peninsula School District and Pierce County.

Councilmembers discussed the need for programs to address the community needs for seniors and children. Mr. Yazwa was asked to clarify whether they are asking for a commitment of \$150,000 or \$250,000 and how that amount was determined, and where the money would be used. Mr. Yazwa explained how they calculated the cost per square footage, adding that the city's money would only be used for maintenance and operating costs for the building. He said that they would when they are ready, they will come back with the fundraising needs.

Mary Wingren – 3220 Harborview Drive. Ms. Wingren explained that she lives on the Key Peninsula, and rent off a Harborview Drive. She encouraged the City Council to commit to the \$150,000 as the city serves a population much larger than its city limits. She described the disadvantages to living on the Key Peninsula when trying to access medical services. She stressed the need for a medically supervised adult daycare in this area.

Donna Streb – Senior Park. Ms. Streb explained that ten or twelve years ago she was contacted by Good Samaritan Hospital about finding a location for an adult day-care on the Peninsula. She said that funds would be available for an adult day-care located at the Senior Center.

Mayor Wilbert thanked all those who spoke, and Councilmembers agreed that they would like to see more information on the project.

2. Second Reading of Ordinance – Text Amendment, 17.65 Special Uses. John Vodopich, Community Development Director, presented this ordinance that includes a definition for special uses and intends to clarify the existing regulations.

MOTION: Move to adopt Ordinance No. 953 as presented.
Ruffo / Young – unanimously approved.

3. Second Reading of Ordinance – RB-2 Text Amendment to Allow Single Family. Mr. Vodopich explained that this ordinance amends the list of permitted uses in the RB-2 zone to allow for single-family attached and detached dwellings as an allowed use.

MOTION: Move to adopt Ordinance No. 954 as presented.
Picinich / Ruffo – unanimously approved.

4. Second Reading of Ordinance – B-2 Text Amendment – Hospitals as Conditional Use. John Vodopich presented this ordinance that amends the list of conditional uses in the General Business zone to conditionally allow hospitals.

MOTION: Move to adopt Ordinance No. 955 as presented.
Ruffo / Dick – unanimously approved.

5. Second Reading of Ordinance – Correcting the Legal Description of Ordinance 938. John Vodopich presented this ordinance correcting a legal description of the annexation of one parcel of property adjacent to the city park on Vernhardson.

MOTION: Move to adopt Ordinance No. 956 as presented.
Picinich / Ruffo – unanimously approved.

6. Second Reading of Ordinance – Gig Harbor Arts Commission. Mark Hoppen presented the second reading of the ordinance that includes the amendments that Council recommended at the last meeting in regards to the requirement of the majority of the membership to either live or work within city limits.

Councilmember Young asked for clarification on the necessity for this requirement. Councilmembers explained that they discussed the issue and determined that it was in the best interest of the citizens to have this representation when determining the distribution of the grant funds.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton clarified that the reason for the proposed amendments are due to the difficulty in filling empty positions. Lita Dawn stressed the importance of keeping the nine-member commission.

MOTION: Move to adopt Ordinance No. 957 as presented.
Franich / Conan – unanimously approved.

NEW BUSINESS:

1. 2004 Skansie Brother Park Grant Application. Mark Hoppen, City Administrator, presented information on a “waiver of retroactivity” which allows the city to use the purchase of the Skansie Property as part of the matching funds for grant purposes. He explained that there is a two-year period in which to activate this provision and an application was made last year for the south portion of the lawn. The state awarded the city an opportunity to receive up to \$500,000, and in April, another meeting will be held by IAC to determine the actual allocation amount. Mr. Hoppen continued to explain that this year is another opportunity to apply for grants under the waiver, and described several options available, and the probability of success with each option, stressing the importance of segregating any commercial use from recreational use in the grant process.

Guy Hoppen – 8402 Goodman Drive. Mr. Hoppen said that he is the Co-chair of the Maritime Pier Committee and member of the Skansie Ad Hoc Committee. Mr. Hoppen explained that he attended the IAC Grant meeting, and stressed that there are no guarantees that any of these options will be funded by grants. He said that if either options one or two are approved, it would be the first step in denying the community of the construction of a multi-use maritime pier, which reversed the course set last May by Council to support such a concept. Should the grant be awarded for options one or two, the Skansie property would forfeit the opportunity to build the multi-use pier due to the restrictions placed by the IAC grant rules. Mr. Hoppen said that the Maritime Pier Committee supports an option that might achieve the addition of a multi-use pier.

Toni Janovich Hayden – 3320 Rosedale Street. Ms. Hayden spoke in favor of the recommendation by Mr. Hoppen. She said that a multi-use maritime pier would be an opportunity for educational uses as well as recreational use. She said that the commercial fishing would be a draw for the public, which she thought the Skansies would appreciate. Ms. Hayden suggested that there may be other grant opportunities for the property.

Nick Jerkovich, Jr. – 3710 Harborview Drive. Mr. Jerkovich said that the whole project could have been completed fifty years ago for \$100,000, and now the same project is estimated to cost \$800,000. He said to stop looking at the cost and focus on the investment to the future to bring in people and to keep the maritime heritage here. He urged Council to adopt whichever option would best support the pier.

John McMillan – 9816 Jacobsen Lane. Mr. McMillan said that the best option is one that includes a pier and give a good chance to obtain the grant. He explained that he too attended the IAC Grant meeting, and that council should not be too afraid of delineating the differences between recreational and commercial, as it is possible to separate the two. He said that the property is already bifurcated by the buildings, and the lines could be placed wherever to suit the purpose.

Councilmembers discussed each of the options. They asked Mr. Hoppen to make the necessary changes in a proposal that would allow the city to obtain grant funding as

well as facilitate the multi-purpose dock. An option five was discussed that would be a reasonable, conservative approach, asking for a land-only grant for the property north of the road approach.

MOTION: Move to adopt option number five, a land-only grant for the portion of the property north of a road approach.
Dick / Franich – unanimously approved.

Mr. Hoppen said that he could calculate the actual line for the grant proposal using the GIS system which predicated on the required driveway alignment.

2. Annexation Petition – NW Gig Harbor Employment Center (03-04). John Vodopich, Community Development Director, explained that the next step in this annexation effort is to set a public hearing for consideration of a resolution approving the annexation.

Councilmember Young asked if there was a need to hold the public hearing on March 1st in order to address the upcoming April 1st Parks District election. Mr. Vodopich explained that there was a publication problem as the Gateway is published only once a week. Councilmember Young mentioned that this seems to be a reoccurring problem.

MOTION: Move to set a public hearing date of March 22, 2004, for the consideration of a resolution approving the annexation as proposed.
Franich / Conan – unanimously approved.

3. First Reading of Ordinance – Amend PCD-BP Zone to Conditionally Allow Hospitals. John Vodopich presented this ordinance to conditionally allow hospitals in the business park zones. He explained that this recommendation was unanimously approved by the Planning Commission and will return at the next meeting for a second reading.

4. Employment Agreement Request – Judge Michael Dunn. Mark Hoppen presented this request to adjust the salary of the Municipal Judge. He said that upon comparison to his peers in this area, his compensation is quite low, and recommended approval of the adjustment. Mr. Hoppen explained that Judge Dunn time here has increased to two full calendar days, and may even increase more in the near future. Councilmember Young asked why he is not contracted at an hourly rate. Councilmember Dick explained that there is a good estimate of the Judge's time spent here, which is not likely to decrease, and it seems more appropriate to treat this position as salaried.

MOTION: Move to approve this contract amendment as proposed, with an effective date of February 23, 2004.
Dick / Ruffo – unanimously approved.

STAFF REPORTS:

1. Department of Community Development - Park Signs for Skansie Brothers Park. John Vodopich asked for direction for the placement of the Skansie Brothers Park signage and for approval to remove the chain link fencing and Mugo pine on the northwest side of the driveway. He explained that there is a plan that will be reviewed by the Historic Preservationist, to widen the sidewalk and add street trees and hinged-back benches on the back side to open up the site.

Councilmember Picinich voiced objection to widening the sidewalk and adding benches.

MOTION: Move to direct staff to install the park sign, remove the chain link fencing, and remove the Mugo pine on the north side of the driveway.
Picinich / Conan – unanimously approved.

John Vodopich explained that he had received notice from the Pierce County Boundary Review Board of the proposed creation of the Peninsula Metropolitan Parks District. This proposal would create a parks district that would exclude the city boundaries as of the date of creation. One concern is what happens with future annexations and if those areas are automatically removed from the Metropolitan Parks District. Mr. Vodopich said that he has discussed this with County Councilmember Terry Lee, who explained that there is no provision for this in state law, but there is a pending substitute senate bill that would have enacted state law to that affect, but it is all but certain that the bill will not be passed. One alternative is to invoke jurisdiction within the 45 day limit with the Boundary Review and ask for a hearing. In order to do that, notice must be sent by March 8th and submit a \$200 application fee to request a public hearing to ask the BRB add language to the creation of the district boundaries that would recognize any future annexations and withdraw those properties from the Metropolitan Parks District.

Councilmember Terry Lee – Pierce County Council - Councilmember Lee explained that he has been working on the formation of the Key Peninsula Metro Parks District and a Gig Harbor - Peninsula Parks District that would provide predictable funding for parks and recreation in this area. He explained that if the city chooses to invoke jurisdiction in the 45-day window, it will start a 120 day clock in which the BRB will hold a hearing and make a decision to whether the petition to form the park districts will be conditioned.

Councilmember Dick said that it seems that there would be a constitutional impediment if a Metropolitan Parks District in Unincorporated Pierce County was to adopt debt, and then a portion of that property were annexed into the city limits. Every statute that talks about annexation specifically states that annexed property is still liable for the prior debt. Councilmember Young clarified that the issue is for the city to be able to take the annexed area out of the parks district so that they won't be further encumbered by future debt.

Councilmember Dick voiced concern whether or not the Boundary Review Board has the authority to impose this, and asked that Carol Morris, City Attorney, take a look at this.

Mark Hoppen explained that the main concern is the pending annexation of the employment district. Councilmember Young agreed and voiced his preference that the entire UGA be excluded.

Councilmember Lee said that he has a district meeting on March 23rd to propose the ballot title. He said that he just needs to know if the city is going to invoke jurisdiction.

MOTION: Move to direct staff to invoke jurisdiction and request that the Boundary Review Board to resolve conflicts that may arise from the Metropolitan Parks District in Gig Harbor.
Young / Ekberg – six members voted in favor. Councilmember Dick abstained.

PUBLIC COMMENT:

COUNCIL COMMENTS / MAYOR'S REPORT:

ANNOUNCEMENT OF OTHER MEETINGS:

AWC – Training for Elected Officials: Monday, March 1st, 6:00 p.m. 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 for approximately ten minutes at 9:30 p.m. for the purpose of discussion pending litigation.
Picinich / Ruffo - unanimously approved:

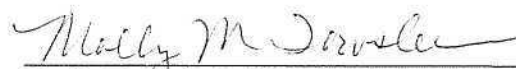
MOTION: Move to return to regular session at 9:50 p.m.
Picinich / Ruffo – unanimously approved.

MOTION: Move to adjourn at 9:50 p.m.
Ruffo / Young - unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 15.
Disc #2 Tracks 1 – 16.



Gretchen Wilbert, Mayor



Molly Towslee, City Clerk