

## GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 25, 2002

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

**CALL TO ORDER:** 7:08 p.m.

Mayor Wilbert thanked Mark Hoppen, City Administrator, for the special presentation on current city projects preceding the Council Meeting.

### **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 Meetings of February 11, 2002.
2. Proclamations/Correspondence: a) Eagle Scout - Jackson Rohrbaugh.
3. Purchase Authorization - Upgrade of Telephone System.
4. Prosecuting Attorney Contract Renewal.
5. DNR - Aquatic Lands Enhancement Account - Grant Agreement Acceptance.
6. Escrow Agreement, Pape & Sons - Equipping Well No. 6 Project.
7. Liquor License Approval - The Harbor Kitchen.
8. Approval of Payment of Bills for February 28, 2002.  
Checks #35329 through #35459 in the amount of \$872,039.11.

**MOTION:** Move to approve the Consent Agenda as presented.  
Ekberg/Ruffo - unanimously approved.

### **OLD BUSINESS:**

1. Second Reading of Ordinance - Erickson Street Vacation. Mark Hoppen explained that at the last meeting, concerns about access and developmental rights came forward. Carol Morris, Legal Counsel, said that she had assured the representative for the property owner that the access would be adequate given the current regulations and the status of the property at this time. She added that she had explained to Mr. Daly that if there were any objections, he should bring them forward at this meeting. Mr. Daly was not present.

John Gorow - 6887 Mainsail Lane. Mr. Gorow, President of the Spinnaker Ridge Homeowners Association, said that the terms are acceptable.

**MOTION:** Move to adopt Ordinance No. 901 vacating a portion of Erickson Street.  
Picinich/Ruffo – five voted in favor. Councilmembers Ekberg and Franich voted no. The motion carried 5-2.

2. Second Reading of Ordinance - Amendment to Title 19 of the GHMC - Procedure for Closed Record Appeal Hearings. John Vodopich, Community Development Director, presented this second reading of an ordinance that would amend the administrative procedures so that the

Council no longer hears appeals on Type III Project Permit applications, except for Site Specific Rezones. Carol Morris gave a short explanation of the different applications and how they were to be processed, and then addressed Council's concerns. She offered to add a procedure that would allow reconsideration of the Hearing Examiner's decision to address errors of fact in an application. Carol stressed that Council would have the ability to appeal the Hearing Examiner's decision without being exposed to the type of liability that is present when acting in a quasi-judicial manner during a closed-record appeal.

**MOTION:** Move to table this agenda item and direct staff to draft an ordinance allowing reconsideration of a Hearing Examiner's decision to address errors of fact in an application.  
Franich/Ekberg – unanimously approved.

3. Second Reading of Ordinance - Amendment to the Impact Fees Ordinance. John Vodopich presented this ordinance, which reflects a recent Washington Court Case decision as it relates to the vesting doctrine, and clarifies that impact fees would be calculated and collected at the time of building permit issuance.

**MOTION:** Move to adopt Ordinance No. 902 approving amendments to the Impact Fees Ordinance as presented.  
Ruffo/Franich – unanimously approved.

4. Resolution - Amendment to Public Hearing Date for Rust Street Vacation - Barta. John Vodopich explained that Resolution No. 580 passed at the last meeting setting the hearing date did not allow adequate noticing time. He asked Council to rescind Resolution No. 582 and adopt a new resolution setting a hearing date of March 25<sup>th</sup>. He explained that this was true of the next agenda item as well. There was discussion on whether to clear title on several of these areas at the same time. It was recommended that this be discussed during the public hearing on the 25<sup>th</sup>.

**MOTION:** Move to rescind Resolution No. 580 and approve Resolution No. 583, setting the public hearing date for March 25th.  
Ruffo/Young – unanimously approved.

5. Resolution - Amendment to Public Hearing Date for Rust Street Vacation - Rohwer.

**MOTION:** Move to rescind Resolution No. 581 and approve Resolution No. 584, setting the public hearing date for March 25th.  
Ruffo/Picinich – unanimously approved.

#### **NEW BUSINESS:**

1. Latecomers Agreement for Reimbursement of Water and Sewer - Burnham Drive. John Vodopich explained that as part of the Gig Harbor North development, a 16" water main was extended up Burnham Drive to serve the development. He said that this latecomer's agreement would allow for reimbursement of some of the cost by property owners that may hook into the line for the next fifteen years. City Attorney Carol Morris indicated that notice of public hearing

was not provided and that proper notice was necessary. John Vodopich asked that this item be tabled until the proper notification requirements could be followed.

**MOTION:** Move to table this agenda item until the proper notification requirements could be met.  
Owel/Ruffo – unanimously approved.

2. Resolution - Public Hearing for Street Vacation Sutherland Street and Prentice Ave. John Vodopich explained that this was another request for a street vacation and recommended that a hearing date be set for March 25<sup>th</sup>.

**MOTION:** Move to approve Resolution No. 585, setting the public hearing date for March 25<sup>th</sup>.  
Ekberg/Ruffo – unanimously approved.

3. Resolution - Declaration of Surplus Property. John Vodopich presented this list of surplus property to be taken to auction.

**MOTION:** Move to adopt Resolution No. 586 declaring Surplus Property.  
Ruffo/Young – unanimously approved.

**STAFF REPORTS:**

Pat Iolavera addressed questions on the status of the Design Review Manual Update. She explained a majority of the text changes had been made, but the illustrations remained to be completed. She added that this would be forwarded to the Planning Commission for public hearings within the next couple of months. Councilmember Young asked if Council could see a draft of the document before it is forwarded to the Planning Commission. Pat said she would make sure that a copy was given to each Councilmember. John Vodopich recommended a joint worksession with the members of the Planning Commission, Design Review Board and Council to enable staff to present the updates and to allow discussion.

**PUBLIC COMMENT:** None.

**COUNCIL COMMENTS / MAYOR'S REPORT:**

Councilmember Franich asked for an update on the status of the Scofield Property. Pat Iolavera gave an overview of the process, and explained that she was working with an appraiser. She said that a contract for a geological survey would be coming before Council soon.

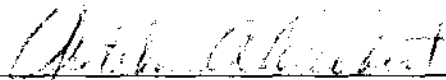
Mayor Wilbert explained that she had attended the Pierce County Regional Council meeting, adding that they had passed their work plan for the year. She said that she had also been attending the Tacoma Narrows Airport Planning meetings with the Pierce County Councilmembers. She said that the amended community plan would go to the County Council for approval soon.

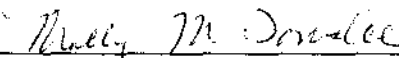
**ANNOUNCEMENT OF OTHER MEETINGS:** None.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:30 p.m.  
Ekberg/Ruffo - unanimously approved.

Cassette recorder utilized.  
Tape 644 - Side B 126 - end.  
Tape 645 - Side A 000 - end.  
Tape 645 - Side B 000 - 390.

  
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Gretchen A. Wilbert, Mayor

  
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City Clerk