

## GIG HARBOR CITY COUNCIL MEETING OF JANUARY 22, 2001

**PRESENT:** Councilmembers Young, Pasin, Owel, Dick, Picinich, Ruffo and Mayor Wilbert. Councilmember Ekberg was absent.

**CALL TO ORDER:** 7:05 p.m.

### **PUBLIC HEARING:**

**PUD/PRD Ordinances.** Mayor Wilbert opened the public hearing at 7:05 p.m. John Vodopich, Planning Director, explained that staff had re-drafted the ordinances on PUDs/PRDs consistent with the recommendations from the Council at the worksession held on January 2<sup>nd</sup>. He added that this hearing was a continuation of the process to accept testimony on the amended ordinances.

**John Hogan - 5312 Pacific Highway East, Fife.** Mr. Hogan explained that he supports the PUD and has spent the last year researching public benefit resulting from PUDs. He said that if done responsibly, a PUD can encourage civic components beyond what normal zoning allows. He introduced Mr. Art Skolnik, architect and the first Washington State Historical Preservation Director, to give a presentation in support of PUDs.

**Art Skolnik - Snoqualmie, WA.** Mr. Skolnik gave a brief overview of his background. He talked about using a balance of cultural preservation and creative talent to get the best possible benefit in design. He gave a slide presentation using a variety of examples of creative open spaces to illustrate his point.

**Carl Halsan - PO Box 1447.** Mr. Halsan spoke of the importance of having the PUD in the code. He addressed several issues that he felt were still in need of consideration before passing the amended ordinance and answered Council's questions on those issues.

**Dave Morris - PO Box 401.** Mr. Morris spoke as representative of the Business Development Side of the Chamber of Commerce. He said that they support the recommendation to allow the Hearing Examiner to grant the initial approval, and endorse the continuation of the PUD process. He continued to recommend the initiation of code amendments to underlying zoning, stating that what exists is an inflexible restriction in the B2 zone.

**Walt Smith - 19216, Vaughn, WA.** Mr. Smith said that he thought what was being discussed were minor changes, and that a repeal of the PUD is not minor. He said that he supported the Chamber of Commerce's position, and had sent a letter in support of that position. He requested that Council not repeal the PUD and that it was important to move forward with changes to the B2 zoning.

**Paul Cyr - 4102 55<sup>th</sup> St. Ct. NW.** Mr. Cyr encouraged Council to keep the PUD process as an option for a creative development. He said that if Council was not happy with the ordinance, to

send it back to the Planning Commission and instruct them to hold additional hearings. He gave a history of past PUD efforts in the community as projects that have served the community well.

Councilmember Ruffo asked if anyone had comments on the PRD, as the only issue that seemed to arise was the PUD. No one responded. Councilmember Young asked for clarification from Carl Halsan regarding to net buildable acres.

John Vodopich addressed the presentation on public plazas and open space, and he reminded Council that the city's Design Review Manual requires commercial development to have these amenities as well as pedestrian connectivity. He said that if Council were to choose, a public art component could be added when the update to the manual took place this year. He then addressed Mr. Halsan's concerns, adding that these issues would be appropriate to address during the update to the Comprehensive Plan.

There were no further comments and the public hearing was closed at 7:40 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 8, 2001.
2. Correspondence / Proclamations:
  - a) Final Tacoma-Pierce County Solid Waste Management Plan.
3. Rosedale Street Light - Purchase Authorization.
4. Harborview Street Lights - Purchase Authorization.
5. 2001 Wastewater Outfall and NPDES Support Studies - Consultant Services Contract.
6. Sewer Outfall Extension - Consultant Services Contract.
7. Approval of Payment of Bills for January 22, 2001.  
Checks #31667 through #31887 in the amount of \$1,027,882.75.

**MOTION:** Move to approve the Consent Agenda as presented.  
Picinich/Ruffo - five voted in favor. Councilmember Owel abstained.

**OLD BUSINESS:**

1. First Reading of Ordinance - Repealing Section 17.90 of the GHMC - Planned Unit Developments. John Vodopich explained that this was the first reading of an ordinance repealing 17.90 of the code regarding Planned Unit Developments, as staff understood was Council's direction from the January 2<sup>nd</sup> worksession.

Councilmember Young said that he did not agree that Council's wishes were to repeal the PUD. He said he would have preferred that a draft ordinance amending the PUD be brought back. He said that Mr. Skolnik's presentation helped him with the concept of open spaces and the public benefit. Councilmember Picinich agreed with these comments.

Councilmember Ruffo disagreed and said he understood how staff interpreted the direction to have just one PRD ordinance. He said that flexibility and control were the two major issues, and that it may be necessary to retain an amended PUD. Councilmember Owel said that PUD zoning devices should allow creativity without utilizing overlays, which diminish the zoning code and the PUD itself. Mr. Vodopich and Ms. Iolavera asked for direction.

**MOTION:** Move to direct staff to consider the comments from the Public Hearing and to incorporate the information in a revised PUD ordinance to be brought back for consideration at the next meeting.  
Ruffo/Picinich - five voted in favor. Councilmember Dick voted against the motion.

Mr. Vodopich reminded Council that the moratorium on acceptance of PUD applications would expire on February 16<sup>th</sup>, and that the moratorium would have to be extended at the next meeting.

Councilmember Pasin asked if consideration on the PRD amendments could continue, so that it would not be affected by the moratorium. Staff responded affirmatively.

2. First Reading of Ordinance - Amendments to the Planned Residential Development Ordinance. John Vodopich presented this ordinance with an overview of the amendments. He recommended approval of the ordinance at the next reading.

Councilmember Dick commented on several concerns with the ordinance. Staff addressed these, as well as other concerns. Councilmember Pasin voiced concern with the concept of shared public space. Staff was asked for examples of how other cities have dealt with these spaces and the liability involved with these public spaces. This ordinance will return for a second reading at the next meeting.

3. First Reading of Ordinance - Definitions - 17.04. Mr. Vodopich explained that this ordinance amended the definition of impervious surface to be consistent with the public works definition, and to add a new definition of net buildable lands for calculating density credits in PUDs and PRDs. There were no comments on this ordinance which will return for a second reading at the next meeting.

4. First Reading of Ordinance - Amendments to Title 19 - Type IIIA Permits - PUD. John Vodopich introduced this ordinance pertaining to project permit processing, and open record public hearings on preliminary and final plats. This will return at the next meeting for a second reading.

5. First Reading of Ordinance - Amendment to Title 16 GHMC - Type IIIA Permits and Final Plat Extensions. John Vodopich changing the preliminary and final plat process to a Type IIIA permit and to allow for one-year extensions for final plats. Carol Morris asked Council to consider retaining the final decisions on final plats, as there is no public hearing. It was determined that there had not been a final plat come before Council in the past several years and Ms. Morris was asked for clarification of her recommendation. Councilmember Dick said that in

most jurisdictions final plat approval is done administratively, and not in a public session. He asked if the requirement could be delegated to the department and Mayor to sign off. Ms. Morris described the required legal process that requires that final plat approval be done at a public meeting that would authorize staff to make a decision that would then authorize the Mayor to sign the final plat. Council directed staff to come back with a recommendation on how to best handle this.

6. Notice of Intention to Commence Annexation Proceedings - 57<sup>th</sup> St. Ct. NW & 28<sup>th</sup> Ave. NW. John Vodopich presented information on this request. He explained that the parcels included in this annexation effort are part of a larger Soundview Plaza development proposal with which staff had been working. He said that it would be beneficial for the development to proceed entirely under the jurisdiction of the city, and recommended that Council accept this annexation as proposed, with the R-1 zoning designation and conditions. He discussed the letter he received from by Rush Construction to change the zoning to RB-2 on Parcel A, which constitutes the parking lot for the project.

Ther Jorgensen - North Pacific Design. Mr. Jorgensen said that he was representing Rush Construction. He explained that their intent for this parcel is a parking lot, and that if that use was allowed in a R-1 zone, they would withdraw their request for a rezone to RB-2.

Staff was directed to research the allowed use in an R-1 zone and to revise the legal description to include the adjoining streets and come back at the next meeting.

The Mayor announced a short break at 9:03 p.m. for approximately ten minutes. The meeting resumed at 9:15 p.m.

**NEW BUSINESS:**

1. Water Concurrency Ordinance. David Skinner, Public Works Director, explained that the ordinance passed in November of last year had a process error in which water reservation was not tied to any form of commitment, which created a speculative process. He said that this ordinance amends the transportation concurrency ordinance to reflect the need for water concurrency. He explained the need to approve this ordinance in one reading so that it becomes effective immediately.

**MOTION:** Move to adopt Ordinance No. 862 as presented.  
Dick/Picinich -

Staff answered Council's questions about the process. Mr. Skinner described amendments to language to address typographical errors in the ordinance and ask that this be reflected in the motion. Mr. Skinner addressed questions on the remaining capacity.

Tiffany Spier - Master Builders Association. Ms. Spier spoke in opposition to passage of the ordinance at this meeting as their association had not had the opportunity to review the document.

Mr. Skinner explained that he had contacted several developers, who approved of the efforts to implement water concurrency.

**RESTATED MOTION:** Move to adopt Ordinance No. 862 as amended, and to become effective immediately upon adoption.  
Dick/Picinich - unanimously approved.

2. Purchase Proposal - Cultural Arts Commission. Mark Hoppen, City Administrator, explained that when the new city Civic Center is constructed, the existing city hall would become an asset, which could be sold or leased. He presented this proposal from the Cultural Arts Commission for purchase or lease of the buildings. He introduced Shirley Tomasi from the Cultural Arts Commission.

Shirley Tomasi – 11107 Hallstrom Dr. Ms. Tomasi explained that this proposal was just to let the Council know that the Cultural Arts Commission was interested in the building if and when the decision to sell or lease the building came about. She explained that the Commission was looking for a permanent facility for their student art gallery.

3. Official Newspaper Bid. Mark Hoppen explained that at this time each year the city must obtain bids for the official city paper, and recommended

**MOTION:** Move to award the official newspaper status for the year 2001 to The Peninsula Gateway.  
Picinich/Ruffo – unanimously approved.

At this time, Mayor Wilbert explained that Councilmember Dick had requested to add a forth agenda item.

**MOTION:** Move to add an item to the agenda to discuss the appropriate position that we should take with regard to the bridge and the proposed legislation that is going on in the Legislature and I recommend that we add it to the agenda at this time.  
Dick/Owel –

Councilmember Owel said that she thought because it was in the minutes that it would be on the agenda and seconded the motion. No vote was necessary and it was placed as item number four under New Business.

4. Resolution - Narrows Bridge. Councilmember Dick explained that he had prepared a Resolution to express his concern, and what was discussed at the last Council meeting, about what would be the appropriate position for the Council take in regards to the bridge and the result of the court case. He read the resolution and spoke of his concerns. Mayor Wilbert offered to present the resolution, if passed, to the Transportation Committee of the Senate at their meeting tomorrow.

**MOTION:** Move to approve Resolution No. 562 as read.  
Dick/Owel -

Councilmember Ruffo said that he thought Councilmember Ekberg should be part of this decision, as it was a big issue. Councilmember Dick explained that it was important for the Council's opinion to be before the Legislature, and due to time constraints, it would be necessary to act at this meeting. He added that although the item was not listed on the agenda, it was recorded in the minutes that it would be brought back for consideration at this meeting.

Councilmember Ruffo voiced his concerns that the issue had not been adequately studied and that the ramifications of the bridge and the information that had come over the years needed further consideration, so an informed, rather than emotional decision could be made. He said that the public had not had an opportunity to comment on the resolution. He added that the bridge needed to be built and that delays would cause problems from a public safety and traffic standpoint. He said that he understood the issues of tolls and design, but that the bridge has to be built. He said that an option to be considered would be to work within a plan to help the public safety issues.

Councilmember Owel disagreed that it was an emotional decision, and supported the resolution. She said that the resolution does not commit the Council to any specific action, it simply reflects and confirms the community's concern with the tolls, which became apparent during the advisory vote.

Councilmember Young explained that although he was in favor of the bridge project and that he believed tolls were the only way to pay for the construction, he thought it was a dangerous precedent to craft law to fit a contract that had been previously signed. He said that government should not change law to facilitate contracts. He supported the resolution as written, and agreed that he too would like to hear from the public.

Councilmember Ruffo voiced his concern that if they continued with the resolution it would kill the project, and added that this was unacceptable.

Councilmember Dick stated that he also believed that the bridge was needed, and said that the issue brought forth in the resolution is that a contract was let unlawfully, and was unenforceable upon two grounds. He added that the statutes involved are quite general and affect not only the Narrows Bridge, but others as well.

Mayor Wilbert asked about the appropriateness of asking for public testimony with a motion on the table.

**MOTION:** Move to suspend the rules to allow the public to comment.  
Dick/Owel - unanimously approved.

David Morris - PO Box 401, Gig Harbor. Mr. Morris spoke on behalf of the Chamber of Commerce. He voiced concerns that this had come up so late in the evening without inclusion on

a published agenda. He said that at a minimum, it should have been announced earlier in the evening to alert the others in attendance. He spoke said that the Chamber had reaffirmed its position to affirm the timely construction of a second Narrows Bridge. He gave an overview of the rationale used by the Chamber for this support.

There were no further comments. Councilmember Owel called for the question.

**RESTATED MOTION:** Move to approve Resolution No. 562 as read.  
Dick/Owel -

Councilmember Ruffo said that he would like the record to show that this is politics and that is what is being played. There had been no chance to review the resolution.

Councilmember Picinich said that there were many issues he agreed with, adding that he thought the project was vital and necessary. He said he did not want to be in a position to kill the project, and that he agreed with the position of the Chamber. He said he could not make a good decision at this time to support the resolution.

David Skinner, Public Works Director, added that as a Transportation Engineer, he was disappointed with DOT as there was no option to allow the public to choose to avoid traffic by paying the toll on the new bridge, which would be two-way traffic. If a person chose not to pay the toll, they could use the existing bridge and suffer the consequences of congestion. He added that this option would also allow for emergency transportation. He said that from an engineering standpoint, not all alternatives had been exhausted. Mayor Wilbert agreed, and said that she also did not think that all the alternatives had been considered.

Councilmember Pasin said he would not like to act out of principle and consequently, lose the bridge that the community badly needs. He asked if the long-term, negative consequence of delays were worthwhile, simply out of principle. He said he would not like to take that chance.

Mark Hoppen asked Council to consider that the state had already spent tens of millions of dollars on the acquisition of property, easements and design costs. He added that he finds it hard to believe that the state would not move forward with construction of the bridge simply because the public/private partnership fails. He said that the state should hold itself to the same competitive bidding standards as its subordinate jurisdictions.

**RESTATED MOTION:** Move to approve Resolution No. 562 as read.  
Dick/Owel – a roll call vote was taken.

Councilmember Young - yes. Councilmember Pasin - no. Councilmember Owel - yes.  
Councilmember Dick - yes. Councilmember Picinich - no. Councilmember Ruffo – no. Mayor Wilbert voted yes to break the tie. The motion to approve Resolution No. 562 was approved.

**STAFF REPORTS:**

1. 2000 Fourth Quarter Finance Report. David Rodenbach, Finance Director, presented the fourth quarter results. He said that all funds were within budget and offered to answer questions.
2. Gig Harbor Police Department - December Stats. No verbal report given.

**PUBLIC COMMENTS:**

Phyllis Olson - 5306 Old Stump Drive NW. Ms. Olson spoke briefly on the economic development in Gig Harbor. She gave her background as working in Tacoma the past several years for the Visitor and Convention Center, a retailer in Old Town and a co-founder of the Joe Carr Cabin Museum project. She said that the downtown business district in Gig Harbor needs a plan to help promote the area and suggested that they participate in the program for the Washington State Department of Community Trade and Economic Development for downtown revitalization.

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

Mayor Wilbert announced that there was an Arbor Day Committee being formed and events would be upcoming.

**ANNOUNCEMENT OF OTHER MEETINGS:**

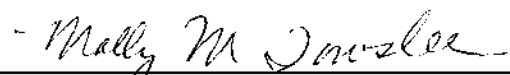
Public Works Committee Meeting - date and time to be announced later. Mayor Wilbert suggested that the existing Public Works Committee members meet, as the new committees would not be formed until the next Council meeting.

**ADJOURN:**

**MOTION:** Move to adjourn at 10:12 p.m.  
Picinich/Young - unanimously approved.

Cassette recorder utilized.  
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Tape 602 Both Sides.  
Tape 603 Both Sides.  
Tape 604 Side A 000 - 358.

  
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Mayor

  
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City Clerk