

GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 26, 2001

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

CALL TO ORDER: 7:05 p.m.

PUBLIC HEARING:

1. **PUD/PRD Ordinances.** John Vodopich, Planning Director, introduced the four ordinances on the agenda addressing PUD/PRDs. He said that several minor changes had been made to the ordinances since the last council meeting and gave a brief overview of the changes.

Mayor Wilbert opened the public hearing on the PUD ordinance at 7:05 p.m.

Carl Halsan - PO box 1447, Gig Harbor. Mr. Halsan acknowledged staff's work on the ordinances. He said that with a couple of small changes, the ordinances addressed their concerns. He said that during the deliberations on the PUD ordinance, other code changes that need to be revisited became apparent. He said that the letter from the Westside Business Community outlined those five changes and gave a brief description of each.

Dave Morris - PO Box 401, Gig Harbor. Mr. Morris explained he was representing the Chamber of Commerce. He said that there were two items of concern remaining that should be revisited, the height provision and maximum gross floor area bonus.

Walt Smith - 11302 Burnham Drive. Mr. Smith said he was hopeful that action could be taken on these items. He congratulated the staff and Councilmembers for their efforts on these ordinances and added that he thought they met the intent.

Linda Gair - 9301 North Harborview Drive. Ms. Gair said that as a member of the Board of Directors for the Chamber of Commerce, she did not remember voting to take a position on this issue. She added that she also serves as a Board Member for Peninsula Neighborhood Association, and that it was on their behalf that she was speaking this evening. She said that it was PNA's position that the PUD is used primarily as a "zone-buster," and although it is used to provide a superior development with a benefit to the community, "superior" had not been defined. She urged Council to eliminate the PUD ordinance and to allow the underlying zoning to prevail.

John Hogan - 4709 Pt. Fosdick - Gig Harbor Motor Inn. Mr. Hogan also congratulated staff and Councilmembers for deliberating endlessly on the PUD. He said that property owners and the public would all benefit from the results of the latest draft. He said that the benefit from use of the PUD would become apparent in the use of usable, open space.

Mayor Wilbert closed the public hearing on revisions to the PUD ordinance at 7:20 p.m. and opened the public hearing on the PRD ordinance at that time.

No one signed up to speak on this item and the Mayor closed the public hearing at 7: 20 p.m. and opened the Public Hearing on the Vacation of Front Street.

David Skinner, Public Works Director, explained that Mr. Glen Stenbak initiated the process for vacation of Front Street, which was outlined in the Councilmember's packet.

No one signed up to speak and the Mayor closed the public hearing at 7:22 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 Meetings of February 12, 2001.
2. Correspondence / Proclamations:
 - a) Proclamation - National Records and Information Management Week.
 - b) Contribution to Flag Program - American Legion.
3. Liquor License - Change of Location: The Keeping Room, Candles & Wine Etc.
4. Special Occasion Liquor License: GHHS Sports Boosters.
5. Burnham Drive Water Main Extension Project Construction Survey and Staking - Consultant Services Contract.
6. Chlorine Analyzer - Purchase Authorization.
7. Well No. 3 Control Panel - Purchase Authorization.
8. Approval of Payment of Bills for February 26, 2001.
Checks #32071 through #32224 in the amount of \$237,642.11.

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

OLD BUSINESS:

1. Second Reading of Ordinance - Amendments to Section 17.90 - Planned Unit Developments. Mr. Vodopich explained that two maps had been prepared to identify the zones that already have flexibility built into the zoning designations, and those parcels that would be affected by the PUD ordinance.

MOTION: Move for approval of Ordinance No. 866.
Young/Picinich -

Councilmembers discussed their support and objections to several issues in the proposed ordinance. The following amendment to the motion was made.

AMENDED MOTION: Move to amend language in the ordinance, Section 17.90.010, to change "may" to "shall", and include wording in 17.90.090 to add

a Section (b) *"If one or more of the above five items is unobtainable on a given site then the remaining items can be approved on a pro rata basis to allow for the maximum floor area bonuses allowed in 17.90.090,"* and in Section 17.90.020(b), strike the words, *"in adjacent zones."*

Ekberg/Young -

Councilmembers discussed the merits of adding the paragraph (b) to Section 17.90.090. Councilmember Ekberg withdrew his motion with the approval of Councilmember Young. He then made the following motion.

AMENDED MOTION: Move to amend language in the ordinance, Section 17.90.010, to change *"may"* to *"shall."*
Ekberg/Ruffo - six voted in favor. Councilmember Owel abstained.

Councilmembers further discussed how to deal with the issue of maximum floor area bonus and it was decided that staff could address this at a later date. Ms. Iolavera clarified the intent of the language in that section. She explained that it was done for transition purposes between the perimeter of a project and the normal existing zoning to avoid an abrupt change.

RESTATED MOTION: Move to adopt Ordinance No. 866 as amended.
Young/Picinich - four voted in favor, three against. A roll call vote was taken with the following results. Ekberg - no. Young - yes. Pasin - yes. Owel - no. Dick - no. Picinich - yes. Ruffo - yes. The motion carried four to three.

2. Third Reading of Ordinance - Repealing Section 17.90 of the GHMC - Planned Unit Developments. Mr. Vodopich presented this ordinance and added that action on this ordinance became moot upon passage of the previous ordinance. Councilmember Owel disagreed and made a motion to approve the ordinance.

MOTION: Move to approve Ordinance No. 867.
Owel/Picinich - two voted in favor, five against. A roll call vote was taken with the following results. Ekberg - yes. Young - no. Pasin - no. Owel - yes. Dick - no. Picinich - no. Ruffo - no. The motion failed five to two.

3. Third Reading of Ordinance - Amendments to the Planned Residential Development Ordinance. John Vodopich introduced this third reading of an ordinance amending the Planned Residential Development code and offered to answer questions.

MOTION: Move to adopt Ordinance No. 867.
Picinich/Young -

AMENDED MOTION: Move to amend the ordinance to change language from "may" to "shall" in Sections 17.89.010 and 17.89.020.
Ruffo/ Picinich - unanimously approved.

RESTATED MOTION: Move to adopt Ordinance No. 867 as amended.
Picinich/Young - six voted in favor. Councilmember Owel voted no.

4. Second Reading of Ordinance - Amendment to Title 16 GHMC - Type IIIA Permits and Final Plat Extensions. John Vodopich presented this ordinance for amendments to Title 16.

MOTION: Move to adopt Ordinance No. 868.
Picinich/Ruffo - unanimously approved.

5. First Reading of Ordinance - Vacation of Front Street. David Skinner presented this ordinance for the vacation of Front Street and offered to answer questions. This will return for a second reading at the next meeting.

6. Second Reading of Ordinance - Amending Ordinance 858 - Stormwater Development Standards. Carol Morris, Legal Counsel, presented the second reading of this ordinance to eliminate reference to enforcement procedures in Ordinance 858, which are inconsistent. She added that that the next ordinance in the packet adopts the standard enforcement procedures currently in use for the Stormwater Development Standards.

MOTION: Move to adopt Ordinance No. 869.
Ekberg/Young - unanimously approved.

7. Second Reading of Ordinance - Adding Chapter 12.17 to the Gig Harbor Municipal Code - Enforcement Procedures. This was addressed under the previous agenda item.

MOTION: Move to adopt Ordinance No. 870.
Picinich/Ruffo - unanimously approved.

8. Second Reading of Ordinance - Definitions for Museum. John Vodopich presented this ordinance and explained that it had mistakenly been left out of the packet, but he had distributed it to Councilmembers prior to this meeting. He said that this ordinance amends Section 17.04 of the GHMC, creating definitions for museum, art gallery, non-profit organization and community recreation hall. Councilmember Pasin voiced concerns with the definition of Art Gallery and how it pertains to retail sales.

MOTION: Move to adopt Ordinance No. 871.
Ekberg/Owel -six voted in favor. Councilmember Pasin voted no.

9. Second Reading of Ordinance - Amendments to 17.15 - Museums and Recreation Halls. Mr. Vodopich presented this ordinance making amendments to the code to allow museums as

permitted uses, including rental halls as an approved accessory use, and adding restrictions on the hours of operation for such facilities.

MOTION: Move to adopt Ordinance No. 872.
Picinich/Ekberg - unanimously approved.

10. Second Reading of Ordinance - Establishing Zoning of Public Institutional Property. Mr. Vodopich presented this ordinance to establish zoning on the Wastewater Treatment Plant property, Borgen Property, and future home of the Gig Harbor Peninsula Historical Society.

MOTION: Move to adopt Ordinance No. 873.
Ekberg/Ruffo - unanimously approved.

11. Second Reading of Ordinance - Easements for Fire Equipment Emergency Access and Maintenance of Fire Protection Systems. Mr. Vodopich presented this ordinance amending Section 15.12 of the GHMC relating to easements for fire equipment emergency access and maintenance of fire protection systems.

MOTION: Move to adopt Ordinance No. 874.
Picinich/Young - unanimously approved.

12. Second Reading of Ordinance - Skateboard Use. Mark Hoppen presented the second reading of this ordinance to update the enforcement capabilities in the skatepark, and to prohibit bicycle and motorized vehicle use in the skatepark. David Skinner presented information that had been requested at the last meeting pertaining to IAC policy and restrictions upon the grant funding for the park, and damage to the park by BMX bikes.

Councilmembers and staff discussed the issues of damage to the park, overcrowding and safety. Mr. Skinner explained that the park was specifically designed as a skatepark, with the donation of money and time by the skateboard community and added that this same effort could be used to develop a park specific to BMX bike use. Mayor Wilbert explained that there were plans for a dirt bike park at the Sehmel Property, and urged people to sign up to work on a committee for the formation of the park.

Ryan McGlone - 708 N. Adams, Tacoma. Mr. McGlone said that he had also researched the issue of damage to the skatepark and said that he found weather damage, damage from skateboards, and some from bikes. He said that the damage from weather and skateboards was greater than from the bikes. He said that he thought it was possible to share the park, which would be a cost savings to the city. He offered information on damage to other parks and liability issues.

Tracy Warren - 11501 142nd Ave Ct KPN. Ms. Warren said that by providing a place for skateboarders, roller bladers and scooters, the city excluded one group. She said the city was trying to make it a crime for these children to exercise their freedom of choice to ride BMX bicycles. She asked that the city work on a plan to include BMX riding in the park, as it had

been successful at other parks. She said that if the bikers were not allowed to ride in town or in the skatepark, they would revert to real crimes due to boredom. Ms. Warren discussed her son's recent contact with the Police Department and added that since that time, she must spend her weekends driving her son and friends to places so that they can ride.

Councilmember Dick clarified the issue that bicycles are allowed in the city, but not in the skatepark, and that skateboarding was illegal on city streets, leading to the need for the skatepark.

Dillon Stanley - 4616 Court, Fox Island. Mr. Stanley, owner of Old Town Bicycle, talked about the inconsistency of allowing scooters and roller bladers in the park, and that he felt bikers were left out of the planning of the park. He discussed the different type of users and the skill levels of these users. He said that he thought that there could be a way for all to share the park. He added that he would also help coordinate the cleaning of the park.

Derek Phill - 8520 David Day Drive. Mr. Phill said that since the bikers didn't get involved in the beginning; why not let them be involved now. He said he was in favor for a fund-raiser for a repair group to fix the damage if they are allowed to participate in the Skate Park.

Council continued to discuss the issues of concern and the following motion was made.

MOTION: Move that the ordinance be amended as follows: Section 8.30.030, strike the word "*bicycles*" in the title to read "*Motorized Vehicles Prohibited in Skate Park,*" and under Section 8.30.060 Penalties, to strike "*pay a monetary penalty in the amount of \$___(or,*" so that it would read "*upon a finding by the municipal court that such a violation has been committed, shall be subject to the civil infraction penalties as set forth in GHMC § 1.16.010.*"
Pasin/Young -

Further discussion led to an amendment to the motion.

AMENDED MOTION: Move to amend the motion to insert the word "*Bicycle*" back in the title for Section 8.30.030.
Dick/Owel - a roll call vote was taken with the following results.
Ekberg - yes; Young - no; Pasin - no; Owel - yes; Dick - yes;
Picinich - yes; Ruffo - yes. The motion carried five to two.

RESTATED MOTION: Move to adopt Ordinance No. 875 as amended under Section 8.30.060 Penalties, to delete "*pay a monetary penalty in the amount of \$___(or.,*" so it would read "*upon a finding by the municipal court that such a violation has been committed, shall be subject to the civil infraction penalties as set forth in GHMC § 1.16.010.*"

Picinich/Owel - a roll call vote was taken with the following results. Ekberg - yes; Young - no; Pasin - no; Owel - yes; Dick - yes; Picinich - yes; Ruffo - yes. The motion carried five to two.

13. Second Reading of Ordinance - Arts Commission. Mark Hoppen presented this ordinance to form an Arts Commission to review public art projects and to facilitate budgeting for support.

MOTION: Move to adopt Ordinance No. 876.
Ekberg/Owel - unanimously approved.

NEW BUSINESS:

1. Employment Agreement - City Prosecutor. Mark Hoppen presented this agreement to select Brenda Bono, a local attorney, as the City Prosecutor for Municipal Court.

MOTION: Move to authorize Mayor Wilbert to sign the Employment Agreement with Brenda Bono for prosecutorial services for Municipal Court.
Ruffo/Picinich - unanimously approved.

COUNCIL COMMENTS / MAYOR'S REPORT:

Nominations to the Zoo/Trek Authority Board. Mayor Wilbert presented this request for nominations to the Zoo/Trek Authority Board and recommended the nomination of Ann Kirk Davis of the City of Lakewood, and Cliff Murphy, from the Town of Eatonville.

MOTION: Move to support the nomination of Cliff Murphy or Eatonville for Position One, and Ann Kirk Davis from the City of Lakewood for Position Two.
Owel/Ekberg - unanimously approved.

Councilmember Pasin mentioned that Steve Bowman, Building Official/Fire Marshal, was leaving soon to go to work for Pierce County Fire District #5. He said that he had dealt with Steve over the years and found him easy to work with and very professional. He officially wished him well and thanked him for his service. John Vodopich said he would pass the message on.

STAFF REPORTS:

David Skinner, Public Works Director, said he wanted to keep Council appraised of the water situation. He explained that the city was down to approximately 52,000 gallons per day, which equates to 167 ERUs. He added that he was working on obtaining legal help to address the Department of Ecology and had received suggestions from DOE for methods to investigate additional water rights. He requested a meeting with the Public Works Committee on Tuesday, March 20th, at 3:30 p.m.

PUBLIC COMMENTS:

Ben Davis - 7800 Stinson Avenue. Mr. Davis said that he was a ramp-builder and designer working as a partner in Northwest Ramp Building Company, and gave an overview of his experience. He explained that when a ramp park was built, the same transitions/slant was used for both skateboards and bikes with minor modifications depending on skill level. He talked about building materials and offered his assistance for a future BMX bike park.

ANNOUNCEMENT OF OTHER MEETINGS:

Public Works Committee Meeting - Tuesday, March 20th, at 3:30 p.m.

EXECUTIVE SESSION: None necessary.

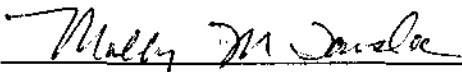
ADJOURN:

MOTION: Move to adjourn at 9:45 p.m.
Ruffo/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 607 Side B 237 - end.
Tape 608 Both Sides.
Tape 609 Both Sides.
Tape 610 Side A 000 - 303.



Mayor



City Clerk

b