

GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 26, 2001

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

CALL TO ORDER: 7:02 p.m.

PLEDGE OF ALLEGIANCE

SWEARING IN CEREMONY: Mayor Wilbert performed the ceremony to instate new Councilmember, Jim Franich.

PUBLIC HEARINGS:

1. 2002 Budget. Mayor Wilbert opened the second public hearing on the 2002 Budget at 7:07 p.m. David Rodenbach, Finance Director, reported that the only change in the proposed budget since the last public hearing was a personnel reorganization. He gave an overview of the reorganization and explained that the changes would save the city approximately \$100,000 in the next budget cycle. He offered to answer questions. As there were none, the Mayor closed this public hearing at 7:08 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 November 13, 2001.
2. Proclamations/Correspondence: Letter to Eagle Scout, Jacob Moore.
3. Appointment to Gig Harbor Arts Commission.
4. Liquor License Renewals: Jekyll and Hydes Pub, Inc.; JT's Original BBQ; Harborview Grocery; Wasabi Restaurant.
5. Approval of Payment of Bills for November 13, 2001.
Checks #34527 through #34633 in the amount of \$387,652.92.

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

Councilmember Ruffo suggested an amendment to the agenda to move the Staff Reports to this point in the meeting to facilitate members of the audience.

MOTION: Move to amend the Agenda to move the Staff Reports before Old Business.
Ruffo/Owel - unanimously approved

STAFF REPORT:

1. Chief Barker, GHPD - October Stats. Chief Barker said that he had nothing to add to the report in the packet and offered to answer questions.
2. Carol Morris, Legal Counsel - Recommendation for Sportsmans Club. Carol Morris explained that there were many missing facts related to the configuration of the club and the noise. She said that ordinances from other cities had very detailed standards for shooting clubs, adding that it would be beneficial to know whether or not such standards were being met here before considering an ordinance. She also said that an action to abate a nuisance would be benefited by additional information on whether current standards were met. She recommended an expert evaluation of the gun club to determine compliance with NRA Standards and a professional evaluation of the noise levels emitting from the gun club. She continued to discuss land-use regulations for the gun club, using her experience with a club in San Juan County as an example.

After further discussion, Councilmembers agreed that this was the direction to proceed. They stressed that when the information is obtained, that members from the Sportsmen's Club and Avalon Woods be included in discussions to determine the best method to address concerns.

MOTION: Move to direct staff to explore the availability and cost of experts to perform the recommended evaluations and return with Consultant Services Contracts for consideration.
Young/Owel - unanimously approved.

Dan Cook - Mr. Cook explained that he lives in the SeaCliff area, and has been a member of the Sportsmen's Club since 1973. He said that the club had spent a great deal of money on sound engineers when Harborcrest Development was constructed, adding that these records are still available. He explained the process in which they had 25 members fire simultaneously to illustrate the worst-case scenario, and at that level, the measurement did not exceed any permitted noise regulations. He then said that he had spoken with the local NRA Range Expert, who told him that he would be available to come and do a safety evaluation as well as a sound evaluation. This would be a less expensive alternative than hiring independent evaluators. Mr. Cook was asked to forward this information to the city attorney.

OLD BUSINESS:

1. Second Reading of Ordinance - Vacation of a Portion of Erickson Street. Carol Morris explained that the condition to add the gate after vacation had been added to the ordinance. She added that she had received information about an easement abutting Erickson Street, and recommended that Council table this ordinance until the easement issue is addressed.

MOTION: Move to table this ordinance until the next meeting.
Owel/Picinich - unanimously approved.

2. Second Reading of Ordinance - 2002 Budget. David Rodenbach explained that the organizational changes that were made since the last reading of the ordinance were identified on page two of the ordinance and the salary changes were identified on page four. Councilmembers were complimentary of the organizational changes.

MOTION: Move to approve Ordinance No. 891 adopting the 2002 Budget.
Picinich/Ruffo - unanimously approved.

3. Second Reading of Ordinance - School Impact Fees. Mark Hoppen explained that the ordinance had been forwarded to the School District for review, and introduced Marcia Harris.

Marcia Harris, Deputy Superintendent - Peninsula School District. Ms. Harris thanked Council for undertaking this ordinance on behalf of the schools and addressing mitigation fees. She requested an extension in time to review and comment on the ordinance and to present the information to School Board members at their upcoming December 12th meeting.

Councilmembers discussed the request for a time extension.

MOTION: Move to table the second reading of this ordinance until the January 14th City Council meeting.
Picinich/Owel -

A member of the audience began to speak and was asked to hold his comments. Councilmembers agreed that they would like to hear from the audience and made the following motion.

MOTION: Move to suspend the rules to allow comments after the motion.
Young/Owel - unanimously approved.

Carol Morris clarified that because this ordinance would be included in the development code, it would require a public hearing. She said that any recommendations by the School District for amendments could be presented as an alternate ordinance.

Jack Darragh - 3620 40th St. Ct. Mr. Darragh spoke on the equity of collecting fees under SEPA regulations verses Impact Fees. He read an editorial from *The News Tribune* comparing the two. He said that he had picked up a copy of the ordinance this evening and scanned it, and wondered why the School District would need a time extension. He pointed out an error in references to appendixes contained in the ordinance. He then recommended that the reference to impact fees imposed on "development" should also include a reference to "single family residence" to further clarify the intent.

Mr. Darragh then addressed his prior reprimand by the Mayor. He became increasingly agitated, and the Mayor called for a short recess. When the meeting reconvened, the motion was restated and voted upon.

MOTION: Move to table the second reading of this ordinance until the January 14th City Council meeting.
Picinich/Owel - unanimously approved.

4. Second Reading of Ordinance - SEPA Authorization Amendment. Mark Hoppen explained that this was largely a housekeeping ordinance to enable the city to implement SEPA in our local jurisdiction.

MOTION: Move to approve Ordinance No. 892.
Young/Ekberg - unanimously approved.

5. Second Reading of Ordinance - 57th St. Ct. NW Annexation. John Vodopich introduced this ordinance annexing three lots along 57th Street Court NW and recommended adoption.

MOTION: Move to approve Ordinance No. 893 as presented.
Picinich/Ruffo - unanimously approved.

6. Second Reading of Ordinance - 62nd St. Ct. NW Annexation. John Vodopich then introduced this ordinance annexing four residential lots along 62nd Street Court NW and recommended adoption.

MOTION: Move to approve Ordinance No. 894 as presented.
Picinich/Ruffo - unanimously approved.

NEW BUSINESS:

1. Recommendation for Art - Gig Harbor Civic Center. Mark Hoppen explained that the Arts Commission had gone through an extensive process to choose functional art to be incorporated into the newly constructed Civic Center. He introduced Dawn Stanton, Chairperson for the Gig Harbor Arts Commission.

Lita Dawn Stanton - 111 Raft Island. Ms. Stanton described the three projects chosen, answered questions and asked for approval of the recommendation.

MOTION: Move to approve the artwork and budgets proposed by Gary Jackson, Doug Fillbach and the Hoiviks in the total amount of \$63,200, which included installation and tax.
Owel/Ekberg - unanimously approved.

2. Appeal of Hearing Examiner's Decision - Denton Bed & Breakfast. John Vodopich explained that they had received a fax request from the appellant, Greg Hoeksema, asking that this appeal be continued until the next meeting, as he would be out of town, and expressing concerns over the notice requirements. John read the notification requirements in the Municipal Code, and explained that these requirements had been met. He said that due to the Thanksgiving Holiday, the notices had been hand-delivered rather than mailed so that all parties of record

would have them at the earliest opportunity. He explained the confusion surrounding filing of the appeal, and concurred with the request to continue this until the next meeting.

Steve Denton - 9017 No. Harborview Drive. Mr. Denton, the applicant, explained that the appellant waited until the last minute to file, and that a delay is not timely for their project. He explained that they obtained a building permit, then found out three weeks later about the pending appeal. He recommended that the Council not delay their decision until the 10th.

Councilmembers asked questions regarding any hardship that may occur due to the delay, timeliness of the appeal, concerns about the method of filing the appeal, and noticing requirements.

Janice Denton - Ms. Denton said that they had asked Mr. Vodopich to place a time limit for Mr. Hoeksema to provide evidence that he had filed an appeal, as Mr. Hoeksema had delayed this effort for more than ten days. She explained that they would have been happy to meet regarding this issue two weeks ago if the information had been submitted. She said that the request for additional time would result in a delay of four weeks. She added that she did not understand Mr. Hoeksema's claim that he did not have time to prepare.

Councilmember Young commented that because this was a closed record appeal and no new testimony could be introduced, it would be fair not to allow any testimony and to rule on the information contained in the record. Councilmember Ekberg voiced concerns about the notice that went to the parties of record. Carol Morris pointed out that this is a closed record public hearing with different noticing requirements, adding that she felt that adequate public notice had been given. Councilmember Dick said that all legal requirements had been met, but if it would not cause any harm, an appeal hearing should be continued to allow all parties to speak at the same time. Councilmember Owel said that if the appellant wished to be present, the hearing should be continued to the next meeting.

MOTION: Move to continue this closed record hearing until the next meeting of December 10th to allow the appellant to be present.
Owel/Picinich - six voted in favor. Councilmember Young voted no.

3. Shoreline Master Program Update & Revision - Consultant Services Contract Amendment. John Vodopich gave an overview of the recent split decision by the Shorelines Hearings Board invalidating the DOE guidelines for developing local shoreline master programs. He explained that this amendment to the contract with Madrona Planning and Development would allow for the required preparation of a shoreline characterization and assessment. He explained that the Coastal Zone Management Grant would cover approximately 41% of the cost of the total contract.

MOTION: Move to authorize the Mayor to sign the amended Consultant Services Contract with Madrona Planning and Development Services, Inc., in an amount not to exceed \$64,082.00.
Ruffo/Picinich - unanimously approved.

4. First Reading of Ordinance - Official Zoning Map Change - Peninsula School District Rezone. John Vodopich presented this ordinance approving a site-specific rezone of the Gig Harbor High School property from R-1 zoning to Public Institutional designation. He said that this had been approved by the Hearing Examiner and will return for a second reading at the next meeting.

5. Amendments to Interlocal Agreement - Fire Inspection Services. John Vodopich explained that this was a renewal of the interlocal agreement for the conduction of annual fire inspections. He said that the amendments to the agreement were a result of evaluating the program over the past year. He gave an overview of the changes, including that cost of the inspection that would now be borne by the city as a public service to increase public health, safety and welfare. Additionally, the interlocal asks the city to reimburse the district for 50% for other costs associated with conduction of the program. He gave an overview of the costs, which have been incorporated into the 2002 Budget.

MOTION: Move to approve the interlocal agreement with Pierce County Fire District #5 for fire inspection services for 2002 and further authorize the Mayor's signature on said agreement.
Ruffo/Franich - unanimously approved.

6. Storm Water Facilities Maintenance Agreement and Restrictive Covenant. David Brereton, Interim Public Works Director, explained that a maintenance covenant is required for all privately maintained drainage facilities which is recorded against the property. He gave an overview of the conditions of the covenant for the Beardsley Short Plat and offered to answer questions.

MOTION: Move to approve the Storm Water Facilities Maintenance Agreement and Restrictive Covenant.
Dick/Picinich - unanimously approved.

7. New Street Name Request - SunVista Lane. John Vodopich presented this request by Mr. Beardsley to name the new private lane SunVista Lane. He added that although this property is located within the historical name area, the request is consistent with other street names in that location. Councilmembers discussed the spelling of the name and the use of more historical names. Councilmember Young suggested that more names be added if owners of private lanes were to be required to choose from the list. Councilmember Ruffo suggested that staff contact Mr. Beardsley to clarify the correct spelling of SunVista.

MOTION: Move that we contact Mr. Beardsley to clarify the intended spelling of SunVista Lane.
Ruffo/Owel - roll call vote results:

Ekberg, no. Young, no. Franich, no. Owel, yes, Dick, no. Picinich, yes. Ruffo, yes.
The motion failed, four to three.

John Vodopich read the portion of the code governing street names. Another motion followed.

MOTION: Move that we follow the policy of choosing the street names in the historical name area from the historical list.
Ekberg/Young - unanimously approved.

8. First Reading of Ordinance - Providing for Extension of LID No. 99-1 Bond Anticipation Note. David Rodenbach presented this ordinance that will extend the terms of the bond anticipation note, as the money was not used until mid-summer. He said that the 12-month extension will allow for the completion of the project. This will come back at the next meeting for a second reading.

PUBLIC COMMENT:

Councilmember Owel said that she wanted to address Council not as a Councilmember, but as a citizen. She explained that the Washington State Gambling policies have been one of her concerns, particularly SB6193. She gave an overview of the proposal, adding that municipalities must be aware of the impact of this bill, especially the removal of the term "commercial stimulant" from the language, allowing for gambling activity any place where any type of food might be served. She announced that she was sponsoring a roundtable forum on Washington State Gambling issues on December 11th at SeaTac Marriott at 9:00 a.m. until 12:00 p.m. She said that invitations had been sent to several cities, government officials, other interested parties and Indian Tribes. She then invited Councilmembers to attend if interested.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert said that she had received an invitation from the Lt. General Hill to attend a concert at the main post on December 11th. She asked if Councilmembers had received the invitation, and to let her know if they planned on attending. She then announced that the Gig Harbor Meistersingers were the guest performers for the 70th birthday party for the Gig Harbor Lions Club. The Meistersingers have also be invited to sing at the opening of the Legislative Session in Olympia on January 14th.

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing pending and potential litigation per RCW 42.3 1.110(I).

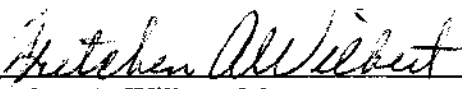
MOTION: Move to adjourn at p.m. to Executive Session at 9:05 p.m. for approximately fifteen minutes to discuss potential litigation.
Picinich/Ruffo - unanimously approved.

MOTION: Move to return to regular session at 9:20 p.m.
Ruffo/Young - unanimously approved.

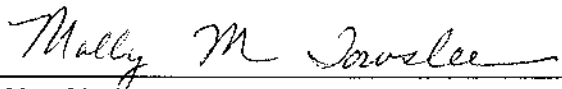
ADJOURN:

MOTION: Move to adjourn at 9:20 p.m.
Ruffo/Young - unanimously approved.

Cassette recorder utilized
Tape 635 - Side B 000 - end.
Tape 636 - Both Sides.
Tape 637 - Side A 000



Gretchen A. Wilbert, Mayor



City Clerk