

**GIG HARBOR CITY COUNCIL MEETING OF AUGUST 28, 2000**

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

**CALL TO ORDER:** 7:03 p.m.

**PUBLIC HEARING:** Planning Commission Recommendations Revising Chapter 17.80 Sign Code and Third Reading of Ordinance Adopting Revisions

Mayor Wilbert opened the public hearing at 7:04 p.m. Pat Iolavera, Interim Planning Director, explained that the Planning Commission held two public meetings to gather information to determine whether to recommend changes to the sign code. She said that the Planning Commission had made recommendations for amendments to the code that were basically housekeeping items.

No one from the audience signed up to speak on this issue and the Mayor closed the public hearing at 7:05 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 August 14, 2000.
2. Correspondence / Proclamations:
  - a) WFOA - 2000 Budget Award.
  - b) Girls Scouts Gold Award - Danna Graham.
3. Change Order No. 1 - Bayridge Avenue Improvement Project.
4. Liquor License Application: Wasabi Japanese Restaurant
5. Liquor License Renewals: Bartell Drug #39 Gig Harbor Yacht Club
6. Liquor License Discontinued: Villa Nova Italian Restaurant.
7. Approval of Payment of Bills for August 24, 2000:

Checks #30606 through #30730 in the amount of \$688,404.49. Check #30729 voided.

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

**OLD BUSINESS:**

1. Planning Commission Recommendations Revising Chapter 17.80 Sign Code and Third Reading of Ordinance Adopting Revisions. The report was given during the public hearing.

**MOTION:** Move to adopt Ordinance No. 847.  
Picinich/Ekberg - unanimously approved.

**NEW BUSINESS:**

1. First Reading of Ordinance - Amending Ordinance No. 841 - Acquisition of Property, Pump Station No. 3.
2. Amendment to Consultant Services Contract - City of Gig Harbor Civic Center.
3. Renewal of Copier Maintenance Agreement. Molly Towslee, City Clerk, explained that this was a routine contract for copier maintenance for the four copy machines.

**MOTION:** Move to authorize the Mayor to sign the copier maintenance contract with Minolta.  
Picinich/Ruffo - unanimously approved.

**STAFF REPORTS:** None.

**PUBLIC COMMENTS:**

Karen Biskey - Ms. Biskey talked about the promise of a fund-raising effort to help the city pay for an appeal of the FEIS for the proposed Narrows Bridge. She said that the Citizen's Against Tolls was anxiously waiting for the City of Gig Harbor to file the appeal so these efforts could begin. She urged Council to move forward on the filing as soon as possible.

Donald Williams - 7111 Olympic View Drive NW. Mr. Williams explained that he was not a resident of the city. He urged Council to come to a decision on the NEPA appeal, and said that he was one of many who were willing to raise funds to help with the costs. He added that there was a great deal of interest in the community and reminded Council that time was running out to file the appeal.

Dick McDonald - 15112 Star Place, Olalla. Mr. McDonald also urged Council to come to a decision in favor of filing an appeal. He said that he was a member of PNA and Citizens Against Tolls, and that these two organizations are willing to work on the collection of money to support the appeal.

Randy Boss - 3400 56<sup>th</sup> St. NW. Mr. Boss said that others before him had urged the city to move forward with the appeal, and added that if Council waited too long, the Judge may throw it out on a "latches issue." He talked about the successful effort by PNA a few years back, to appeal the Narrows Airport issue. He said that PNA spent under \$50,000 to take that case through to the Supreme Court. He pledged to continue to collect enough revenue to support the appeal of the FEIS, and added that it was imperative that Council move ahead as soon as possible.

**COUNCIL COMMENTS / MAYOR'S REPORT:** None.

**ANNOUNCEMENT OF OTHER MEETINGS:** None.

**EXECUTIVE SESSION:** For the purpose of discussing potential and pending litigation per RCW 42.30.110(i). Action may be taken after the session.

**MOTION:** Move to adjourn to Executive Session at 7:25 p.m. for approximately thirty minutes to discuss potential and pending litigation. Action may be taken after the session.  
Picinich/Ruffo - unanimously approved.

**MOTION:** Move to return to regular session at 8:00.  
Owel/Ruffo - unanimously approved.

**MOTION:** Move that we direct Ogden Murphy Wallace to proceed with the complaint for declaratory judgment and injunctive relief as presented.  
Owel/Robinson -

Councilmember Ruffo said that he felt strongly that the wishes of the people would not be met if the appeal were filed as written. He said that this appeal would not affect the tolls and that the city was not in a good posture for negotiating mitigation. He said that if Council were to vote for this it is a big mistake for the citizens of Gig Harbor.

Councilmember Owel commented that Council had already voted to move forward with the appeal and that the document presented is adequate to proceed with the appeal.

**RESTATED MOTION:** Move that we direct Ogden Murphy Wallace to proceed with the complaint for declaratory judgment and injunctive relief as presented.  
Owel/Robinson -

Councilmember Dick voiced his concerns about the parties named in the appeal and asked if the motion would need to be amended to allow the latitude required.

Jeff Taraday, Ogden Murphy Wallace, addressed Councilmember Dick's concerns and the following amendment to the motion was made.

**AMENDMENT TO THE MOTION:** Move to amend the motion to be substantially in the form attached with latitude to add or delete parties appropriate under the circumstances.  
Dick/Owel - unanimously approved.

**AMENDED MOTION:** Move that we direct Ogden Murphy Wallace to proceed with the complaint for declaratory judgment and injunctive relief with latitude to add or delete parties appropriate under the circumstances.  
Owel/Robinson -

A roll-call vote was taken with the following results:

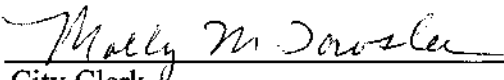
Councilmembers Ekberg, Robinson, Owel, and Dick voted in favor. Councilmembers Young, Picinich and Ruffo voted against the motion. The motion carried four to three.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:15 p.m.  
Owel/Ruffo - unanimously approved.

Cassette recorder utilized.  
Tape 587 Side A 080 - end.  
Tape 587 Side B 000 - 024.

  
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Mayor

  
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City Clerk