

GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 13, 2000

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

CALL TO ORDER: 7:15 p.m.

SPECIAL PRESENTATION: Special Olympics Award.

Gordon Wohlfeil, representative from Washington Special Olympics, gave a brief history of the efforts by law enforcement agencies statewide to support this fund raising effort. He introduced Sergeant Scott Emmett, and presented him with two certificates and a plaque in recognition of his role, as well as Chief Barker and the entire Police Department, in fund-raising efforts throughout the year.

PUBLIC HEARING:

1. 2001 Proposed Budget Ordinance. Mayor Wilbert opened the public hearing on this item at 7:19 p.m. David Rodenbach, Finance Director, presented the proposed budget as amended from the Council study sessions. He explained that it reflected a twenty-percent increase over last year, and gave an overview of all funds.

Kae Paterson - 7311 Stinson Ave. Ms. Paterson suggested that Council consider including a playground in the plans for the new Civic Center. She explained that in the past, she has enjoyed taking her Grandchildren to play on the site, but the playground equipment had since been removed. She added that a playground would also benefit parents who have brought older children to the Skatepark.

Myrna Binion - 8304 150th NW. Ms. Binion, President of the Peninsula Art League, asked that Council reconsider including the Art League's request for funds for the yearly Art Festival, and explained why she believed the function met the criteria for funding with the Hotel/Motel Tax.

Howard Collins - Quiet Forest Park - 3307 45th St. Ct. NW. Mr. Collins explained that there was lighting problem in their neighborhood and asked for the city's assistance. He said that it was very dark at night and neighbors were concerned with vandalism and theft. He said that he had estimated the cost at around \$6,000 and that the neighbors agreed to pay for the electricity to power the lights. It was suggested that he call the Public Works Director for an appointment to discuss this.

Loreen Lund - 13422 83rd Ave NW. Ms. Lund, Tourism Specialist for Gig Harbor, spoke in favor of funding the Peninsula Art League Art Festival, as she too was disappointed to learn that this event had not received approval for funding this year. She added that the Chamber of Commerce has declined one of the funded items in the amount of \$20,000, as they found alternate methods to pay for the tourism guide. She asked that Council reconsider funding the \$6000 request for the Art Festival with these funds.

The public hearing on the proposed 2000 Budget was closed at 7:30 p.m.

2. Second Amendment to Pre-Annexation Agreement for Gig Harbor North. Mayor Wilbert opened the public hearing at 7:30 p.m. David Skinner, Public Works Director, explained that this amendment changes the allotment of 20,000 gallons a day of water storage volume for the Gig Harbor North properties, to 50,000 gallons per day.

There were no public comments and the public hearing was closed at 7:32 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 October 23, 2000.
2. Correspondence / Proclamations:
 - a) Commission on Children, Youth and Families.
 - b) Letter from Kamielle Wood - Sister City Program.
3. Liquor License Application (corrected): The Performance Circle
4. Liquor License Renewals: JT's Original BBQ Harborview Grocery
Wasabi Japanese Restaurant
5. Approval of Payment of Bills for November 13, 2000:
Checks #31170 through #31340 in the amount of \$639,630.07. Check #31182 voided.
6. Approval of Payroll for October, 2000:
Checks # 397 through #449 in the amount of \$171,665.78.

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

OLD BUSINESS:

1. Recommendation from the Planning Commission and Staff - PUD/PRD. John Vodopich, Planning Director, explained that at the last Council meeting, staff was directed to come back with re-drafts of the recommendations. He said that two recommendations had come back; one from the Planning Commission, and one from the Planning staff. Patricia Iolavera, Associate Planner, gave an overview of the difference in the two versions and asked for direction on how to proceed keeping in mind the expiration of the moratorium on accepting applications and noticing requirements.

After discussion, Council recommended that staff take the two drafts back to the Planning Commission and to return to Council with one, final version. Carol Morris, Legal Counsel, advised Council to make a motion to extend the moratorium and to set a date for the next public hearing to consider Findings and Facts and Conclusions, and to adopt a continuation of another moratorium. A public hearing date was set for December 11th to allow for noticing requirements.

MOTION: Move to direct staff to take both drafts to the Planning Commission for further review so that a proposed ordinance on PRDs/PUDs could be presented to Council for public hearing on December 11th.
Ruffo/Picinich -

Councilmember Young voiced his concern that delaying the process would take the approval of the ordinance into January of 2001, past the date that had been approved for passage of the revisions. Councilmembers discussed the timing of approval of the final ordinance.

RESTATED MOTION: Move to direct staff to take both drafts to the Planning Commission for further review so that a proposed ordinance on PRDs/PUDs could be presented to Council for public hearing on December 11th.
Ruffo/Picinich - unanimously approved.

MOTION: Move to extend the moratorium on acceptance of applications on PUDs and PRDs until December 31st to permit Council to consider and take appropriate action.
Dick/Picinich - unanimously approved.

Marian Berejikian - PNA. Ms. Berejikian passed out a letter of comments and requested that at least one week be given for the public to consider any drafts that may come before the Council. She said that PNA would like to see more specific criteria for PUDs and PRDs to protect both the city and the applicant.

Peter Dale 7404 Elk Creek Lane. Mr. Dale passed out a letter. He suggested that the Planning Commission meeting be open for public comment. He then addressed two elements of the PRD ordinance; one allowing low-impact business, resulting in spot-zoning, and the second, the criteria for open spaces to be contiguous.

Nick Natiello - 5812 Hunt Street. Mr. Natiello also passed out a letter. He said that he would like to see City Codes that are understandable and easy to use. He addressed several issues then said that the town should not be governed by litigation, and that the citizens should not have to fight to protect this area from developers.

Dave Folsom - 3160 Anne Marie Ct. - Mr. Folsom supported the efforts to preserve the environment and beautify the city, but added that the city was going about it the hard way. He talked about the benefit/reward element of PRDs and PUDs and why a developer should be rewarded for doing something that should be done anyway.

Walt Smith - 11302 Burnham Drive. Mr. Smith said that both the Planning Commission and staff have worked diligently to meet the timeline on drafting changes to the PRD/PUD ordinance, and added that he did not think there would be any objection to a minor delay from remanding the drafts back to the Planning Commission, but requested an opportunity for public comment. He then spoke on balance/value added development, saying that this process allows for imagination and creativity.

Dave Morris - 6018 106th Ave NW. Mr. Morris said that the business community would be patient with the extension of the moratorium to allow for further review. He then said that the provision for non-contiguous open space would be a good idea and addressed the concerns about spot zoning. He said that the height/footprint recommendation reasonable. He concluded by saying that clarity and specific criteria would satisfy both sides.

2. Recommendation from the Planning Commission - Borgen Property. Patricia Iolavera explained that Staff and the Planning Commission had been asked to address a solution for the Borgen Property and building, adding that it had been a difficult issue due to the sentimental value of the building. She gave an overview of the three professional evaluations that had been done on the building, none of which reported that the building was in good condition. She said that the first report stated that the building was riddled with rot and insects, requiring an estimated a 35 - 50% structural replacement. She continued with the Lions Club cost estimates; one for replacement and one to repair the building. This report concluded that either option may be feasible, but while the new building option may be less risky due to the unknowns of restoration, it would not retain the historical flavor of the property. Ms. Iolavera concluded with the report from the structural engineers stating that the structure was not built to comply with code, was riddled with rot and insects, and had no redeeming value other than sentiment. The report continued to state that the building could be restored with enough funding, taking into consideration such concerns as bringing the building into code compliance and the presence of extensive decay. The report spoke to building a replica of the building utilizing materials from the existing structure, noting that the cost may not warrant either approach due to concerns such as soils conditions beneath the building.

Ms. Iolavera said that after consideration of these reports, the Planning Commission came back with a recommendation to use the property as a green space and to demolish the building, as it would be too expensive to repair. She did a comparison of many of the issues surrounding this project and the risk involved, and gave an overview of the possible uses for the property from the survey taken earlier in the year. She said that a large number of recommendations had to do with restoration of the Donkey Creek habitat, which is another determining issue on whether or not to restore or rebuild on the site due to the Endangered Species Act.

Mayor Wilbert said she had spoken with George Curtis and Charles Austin, who lived in the Gig Harbor area while growing up, and who were both asking that the history be saved. She shared the information that they had given. She continued with other memories of the property and a history of other Austin/Erickson vertical log buildings in the area. She suggested that the logs from the demolished Span Deli could be available for use by the Lions Club in a restoration of the Borgen Building. She said she had spoken to a contractor who restores log structures and who has offered his assistance. She mentioned several groups that said that they would like to utilize a restored building as meeting space, and shared comments from others speaking in favor of restoration of the building.

Shirley Tomasi - 11107 Hallstrom Drive. Ms. Tomasi said that she had served on the Ad Hoc Committee for the Borgen property. She gave an overview of existing community activity centers adding that a year-round facility is needed. She gave an overview of examples of community projects that have been accomplished by partnering with the city and benefiting all. She talked about how a community activity center would benefit the most people adding that the city should not eliminate the building just to save money.

Bruce Parker - 5714 Lagoon Lane. Mr. Parker is an owner of an Austin-Erickson log building built in 1948. He said he knew of the problems with organisms that attack buildings, adding that they can be repaired. He talked about the design of these log buildings. He concluded to say that the Borgen Building is symbolic of the history of that era and said that he could understand the difficulty of the decision. He urged that the history not be lost.

Fred Gazabat - 16023 59th St. Ct., Lakebay. Mr. Gazabat spoke in favor of saving the building. He said that he had worked for George Borgen for 15 years, but wanted to keep the building not because of George, but because it is an Austin-Erickson Building. He said that if restoration was a finance consideration, that it could be opened up to outside finance.

Ruthmarie Ryan Sandoval - 2717 Ryan Lane. Ms. Sandoval explained that she was a granddaughter of Ruth and Dr. Ryan, and had moved back to Gig Harbor eight weeks ago. She talked about visiting her grandparents while growing up. She said that Ruth Ryan was Ruth Rose Erickson, and that her Aunt Nellie married an Austin, so she was related to them both. She said she had heard several versions on what was going to occur on the property. She said that she didn't think that the community completely understood that the building might be destroyed. She said that the Lion's Club is interested in undertaking the restoration and it would be funded through private enterprise. She said that in addition to the positive changes in the harbor, that the integrity of the old buildings should be kept and that by destroying this building, the history of Gig Harbor would be destroyed.

Chris Erlich - Historical Society. Ms. Erlich, Executive Director of the Historical Society, said that as Executive Director, it is her opinion that the restoration of the Borgen Building was not vital to the preservation interpretation of the site's history. She said that they are continuing to gather information about this property and surrounding area, and said that the property is historically significant because of its relationship to the Native American settlement and the Burnham Homestead. She said that the Austin Mill, Shaw's Racing Roosters and George Borgen's place are also important parts of the site's history. She said that the letter she distributed summarized the history, dating back 150 years. She said she is hoping that the city will look at the property in its entirety that the city will realize that you can do interpretation of the property without having to save the building. She then addressed the issue of identifying a building as historically significant, which requires specific criteria. She said that there are far better examples of the Austin-Erickson heritage, such as the original business, currently housing the Beach Basket. She said that due to the building extensions over the years, the Borgen Building is the least intact example of vertical log construction.

Linda Gair - 9301 North Harborview Drive. Ms. Gair spoke to several concerns surrounding this property such as the public safety issue, the long and rich history of the property, and the sanctity of the salmon stream. She said that playgrounds or heavy public use is not a suitable use for the stream. She said that if the burden of restoration were placed upon a volunteer organization you would be courting disaster, due to the complexity of the project and the salmon laws that are going to be in effect.

Dave Morris - 6018 106th Ave NW. Mr. Morris spoke on behalf of the Morris Foundation, saying that they had submitted a recommendation for the property months ago. He said that based upon the structural report, they didn't feel that the building could be salvaged, but that a new building could be constructed in the same location. He said that their priorities are to take advantage of the commercial viability as a revenue source to the city. He spoke of the close proximity to the Cushman Trail system, which would become a future hub in the city.

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich gave a history of Eric Erickson and added that historically, the building isn't that old. He said that he didn't think you could salvage the building to meet codes and the distance from the creek. He said that he had talked to Pat and John Borgen

and they both said that the building was rotten and should be torn down. He said that if the city wanted to do something to remember George, they should get someone to carve out an image of George waving from the corner.

Nita Barcott - 6374 SE Dandelion, Olalla. Ms. Barcott shared ariel photos of Borgen's Corner she had been asked to take in 1992. She said that she would be willing to continue photographing a restoration project and display them in a memorial. She asked that if parts of the building could be preserved, the Lions Club is willing to take on the project and asked that they be allowed to do so.

Chuck Hunter - 8829 Franklin Ave. Mr. Hunter said that he came to support the Lions Club effort to retain a small portion of the building. He talked about keeping the Gig Harbor atmosphere.

Len McAdams - 4310 Foxglove Drive NW. Mr. McAdams stressed that the Lions Club had not taken a position on this issue, that they had gotten a few people together to do an evaluation and cost estimate. He said that the building could be restored, but at what cost. He said they were aware that there would be some selective demolition to determine the viability of the structure. He said that the decision to restore or demolish the building was up to the city. He said that if the decision were to restore the building, or a portion of it, certain steps would be required. They would have to work with city staff, and they would have to manage the project and endowment fund to utilize the tax-free deduction. He said that there would have to be selective demolition to determine the extent of the damage before they would agree to take it on to determine if the project would be feasible, and that there would have to be the same control by them as was held with the Finholm View Climb.

Mayor Wilbert thanked everyone for coming to speak on this issue. She then called a short break at 9:49 p.m. The meeting resumed at 9:57 p.m.

Mayor Wilbert said that before Council made their decision that she would like to remind them of a second recommendation from her and the Ad Hoc Committee. Councilmember Picinich recommended a geotechnical report before any decisions were made. Councilmember Ekberg thanked everyone for their participation. He continued to say that the property was purchased for park property, and that the input determined that due to the sensitivity of the creek, the park should be a passive park. He said that the city was spending a great deal on a new Civic Center to be used for meeting space. He added that Council had asked the Planning Commission to review this issue; they had studied it extensively, and had come back with a recommendation for a passive park. He made the following motion.

MOTION: Move to instruct staff to issue an RFP for engagement of a design team to produce some environmentally sensitive and attainable options for consideration for a fairly passive and "green" use and that the building be demolished.
Ekberg/Young -

Councilmember Young agreed with Councilmember Ekberg and said he was pleased to hear the information from Chris Erlich about the interest in the Native American presence.

Councilmember Ruffo asked that an amendment be made to the motion to address the historical importance of the property.

AMENDMENT TO MOTION: Move to include language to the previous motion to add the word "historically" after environmentally.
Owel/Ekberg - unanimously approved.

Mayor Wilbert suggested another amendment to the motion to reflect the removal of the add-ons to the building rather than to demolish the entire building. Councilmember Young said that there was a motion on the table to demolish the building. Councilmember Ekberg said that the motion to demolish would stand unless the consultant came back with a report that said that the building was well worth saving, then that could be addressed at that time. Councilmember Young called for the question.

RESTATED MOTION: Move to take the Planning Commission's recommendation for staff to issue an RFP for the engagement of a design team to produce some environmentally and historically sensitive and attainable options for consideration of a passive and green as possible park in light of the Endangered Species Act and the public's stated highest preferences and the existing structure should be demolished.
Ekberg/Young - unanimously approved.

3. Second Reading of Ordinance - Accepting Donation from Citizens Against Tolls. David Rodenbach presented the second reading of this ordinance accepting a donation from Citizens Against Tolls to assist with funding for the appeal of the FEIS on the Narrows Bridge. Councilmember Owel said that she had reconsidered this donation and as a policy issue, she was uncomfortable with accepting the donation. Councilmembers Young, Ekberg, Ruffo and Dick all agreed with her. The following motion was made.

MOTION: Move that we not accept this donation for policy reasons as a non-partisan body.
Owel/Ruffo - unanimously approved.

4. Second Reading of Ordinance - 2001 Tax Levy Ordinance. David Rodenbach presented this second reading of an ordinance setting the 2001 Tax Levy Ordinance. He said that language had been added to the ordinance as a result of the passage of I-722.

MOTION: Move adoption of Ordinance No. 851 with amendment recommended by staff.
Picinich/Ekberg - five Councilmembers voted in favor. Councilmember Young voted against.

5. Second Reading of Ordinance - Franchise Agreement for Tacoma Power. David Skinner, Public Works Director presented this ordinance. He said that no changes had been made from the first reading at the last meeting. He asked that Council authorize the Mayor to sign the Franchise Agreement with the condition that Tacoma Power provide the city with a mutual exchange of the final executed easements for both the East-West Road and the Burnham waterline project as contemplated, which have to go before Tacoma City Council for approval.

MOTION: Move to adopt Ordinance No. 852 and authorize the Mayor to sign the Franchise Ordinance on the express condition that Tacoma Power provides the City with a mutual exchange of the final executed Easements from Tacoma Power for the East-West Road project and the Burnham Waterline project, as contemplated by both the Franchise and the Easements.
Dick/Ruffo - unanimously approved.

6. Second Reading of Ordinance - Amendments to GHMC Chapter 17.100 Amendments - Site Specific Rezones. John Vodopich presented this second reading of an ordinance regarding area-wide site-specific rezones, bringing the code into conformance with recent Supreme Court decisions.

MOTION: Move to adopt Ordinance No. 853 amending Chapter 17.100 to bring the GHMC into compliance with recent Supreme Court decisions regarding site-specific rezones.
Ruffo/Picinich - unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance - 2001 Proposed Budget. David Rodenbach said that he had nothing further to offer from the presentation during the public hearing and offered to answer questions. After discussion, Council recommended leaving the \$20,000 of Hotel/Motel Tax that was not needed by the Chamber of Commerce in the ending balance, rather than reallocating it to a different use. They then directed staff to allocate money in the budget for a playground at the Civic Center site. This will return at the next reading for a second reading.

2. First Reading of Ordinance - Water Service Application. David Skinner explained that the city was currently at 84% of their water rights, and requested passage of this ordinance at this reading, to prevent a rush of applicants for water service until he could track the amount of water available for future use.

MOTION: Move for the adoption of Ordinance No. 854.
Dick/Picinich - unanimously approved.

3. Burnham Drive Watermain Extension - Easement Agreements: City of Tacoma, Dept. of Public Utilities - Light Division. David Skinner presented this easement agreement, which was part of the Franchise Agreement presented earlier for the East-West Road and the Burnham Waterline Extension.

MOTION: Move to authorize the Mayor to sign the Franchise Ordinance on the express condition that Tacoma Power provides the City with a mutual exchange of the final executed Easements from Tacoma Power for the East-West Road project and the Burnham Waterline project, as contemplated by both the Franchise and the Easements.
Young/Ekberg - unanimously approved.

4. Burnham Drive Watermain Extension - Webster Easement Amendment. David Skinner explained that this is an amendment to an existing easement with Mr. Webster for property

adjacent to the 96th right-of-way and part of the city's waterline improvements to allow a request to backfill a portion of the area. He said that this agreement would extend the existing temporary construction easement from 30 feet to 45 feet.

MOTION: Move to authorize the Mayor to sign the easement amendment as presented.
Picinich/Young - unanimously approved.

5. Second Amendment to Pre-Annexation Agreement for Gig Harbor North. David Skinner explained that a public hearing had been held on this amendment, and that there were minor changes to be made to the amendment when it returns at the next meeting.

6. Consultant Services Contract - Shoreline Management Update. John Vodopich presented this contract to update the 1994 Shoreline Master Program and to develop a new Title 20 in the Municipal Code, which would contain the development regulations for shoreline management.

MOTION: Move to authorize the Mayor to execute the Consultant Services Contract with Madrona Planning and Development Services Inc., for the purposes of updating and revising the City of Gig Harbor Shoreline Management in an amount not to exceed \$38,082.00.
Ruffo/Picinich - unanimously approved.

STAFF REPORTS:

1. GHPD - October Stats. No verbal report given.

PUBLIC COMMENT:

Councilmember Ekberg spoke for Jackie Goodwill, Executive Director for the Chamber of Commerce, to invite the Councilmembers to the upcoming Business After Hours tomorrow evening at the Key Bank on Pt. Fosdick from 5pm to 7 p.m.

COUNCIL COMMENTS / MAYORS REPORT:

Mayor Wilbert reported on attending the Change of Command Ceremony at Ft. Lewis this past week to reinstate a new liaison with the City of Gig Harbor.

Councilmember Dick spoke of the efforts of other cities to file a suite against the state for imposing unfunded mandates. Mr. Vodopich said that AWC had issued a notice that the City of Chelan, in conjunction with the City of Olympia, City of Bremerton, and a few other cities were going to file a motion. He said he would bring back a report at a later date.

ANNOUNCEMENT OF OTHER MEETINGS: None.

EXECUTIVE SESSION: For the purpose of discussing pending litigation per RCW 42.31.110(i).


MOTION: Move to adjourn to Executive Session to discuss pending litigation at 10:47 p.m., for approximately thirty minutes.
Picinich/Ruffo - unanimously approved.

MOTION: Move to return to regular session at 11:05 p.m.
Ruffo/Picinich - unanimously approved.

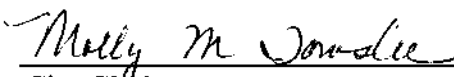
ADJOURN:

MOTION: Move to adjourn at 11:05 p.m.
Picinich/Ruffo - unanimously approved.

Cassette recorder utilized.
Tape 592 Side A 327 - end.
Tape 592 Side B 000 - end.
Tape 593 Both Sides.
Tape 594 Both Sides.
Tape 595 Side A 000 - end.
Tape 595 Side B 000 - 218.



Mayor



City Clerk