

REGULAR GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 27, 1999

PRESENT: Councilmembers Ekberg, Young, Platt, Owel, Dick, Picinich, and Mayor Wilbert. Councilmember Markovich was absent.

CALL TO ORDER: 7:04 p.m.

PUBLIC HEARING: First Reading of Ordinance on Impact Fees.

Mayor Wilbert opened the public hearing on the Ordinance on Impact Fees at 7:05 p.m. Mark Hoppen, City Administrator, explained that this was the re-introduction of the ordinance to adopt impact fees for parks and transportation. He gave an overview of the difference in the ordinance, which includes a 75% reduction in the fee schedule for transportation. He said that the level of support from new development is at 12.5% of the overall project cost of the new capacity in the new capacity project list. The remainder of the projects would be funded by the public. This level of support tends to be close to SEPA mitigation transportation support. The public was invited to address their concerns.

Marie Sullivan - Executive Director of the Chamber of Commerce. Ms. Sullivan thanked Council for the workshop process utilized during the adoption of the Concurrency Ordinance and urged that the same format for the adoption of an Impact Fee Ordinance.

John Rose - Olympic Resource Management. Mr. Rose said that he echoed Ms. Sullivan's comments. He added that the workshop process was a positive one and although it took additional time, it was a worthwhile effort. He urged Council to use the same process for the Impact Fees.

Steve Luengen - Peninsula Yacht Basin, 8913 North Harborview Drive. Mr. Luengen said that he would like to see the involvement of the business community in the process. He said that he has questions and thought that the workshop format would be beneficial to all.

Scott Wagner - Talmo, Inc. Mr. Wagner said that he would appreciate the chance to work through the Impact Fee Ordinance the same way that the Concurrency Ordinance was handled.

Tiffany Speir - Master Builders Association. Ms. Speir submitted a letter to Council and said that she looked forward to the workshops. She also said that workshops are the way to handle the Impact Fee Ordinance as the process worked well with the Concurrency Ordinance. She asked for clarification for a reference in Section 19C of the ordinance that states that if impact fees do not sufficiently mitigate something, there may be SEPA fees as well. She asked how that worked with statutory law which says you couldn't have both. Mayor Wilbert said that this would be addressed in the workshop.

Scott Miller - Cromwell Beach Drive. Mr. Miller said he looked forward to Impact Fee meetings. He said that in Section 14, 5-D, that he felt the language was vague and problematic and said that this is one item he would like to see worked with during the workshop.

Walt Smith. Mr. Smith commended both staff and Council for the movement that has taken place on both concurrency and impact fees and encouraged the workshop, which would well serve the community.

Wade Perrow - 9119 North Harborview Drive. Mr. Perrow suggested that during the workshop process that projects on the Six-Year TIP that are eligible for partial funding through impact fees be identified and prioritized. He added that this information should be taken into consideration during the budget process so that everyone is given the opportunity to consider the collection aspect.

The public hearing was closed at 7:15 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 the September 13, 1999, City Council Meeting.
2. Correspondence / Proclamations:
 - a) The Spirit of 2000 Committee - Visit of the HMS Endeavor.
 - b) Dept. of Corrections - Invitation to a Public Service Day and Tour.
 - c) Tacoma Art Museum - Request for Funds.
3. Copier Maintenance Contract.
4. Pt. Fosdick Drive Consultant Services Contract - Amendment No. 1.
5. Approval of Payment of Bills for September 27, 1999:
Checks # 23314 through #23411 in the amount of \$292,788.22.

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

OLD BUSINESS:

1. Agreement for On-Line Access G.I.S. - Pierce County. Kay Truitt, Information Systems Specialist, explained that at Council's request, she had brought several people to address different aspects of the G.I.S. system. She introduced the speakers and which aspect they would be covering. She then gave an overview of the system costs and annual fees.

Art Seely, Pierce County GIS. Mr. Seely explained which cities were currently utilizing GIS systems to assist them in zoning, land use, utilities, permitting, maps, shoreline inventory and wetlands coverage. He added that this was just a small percentage of the power that GIS provides. He said that cities that have tried a stand-alone system have expended a great deal of money to get the system up and running, but haven't been successful in keeping the system current due to staffing and cost issues. He gave an overview of the Countyview Software and how different departments and agencies can

utilize the same information. He answered Council's questions about the proportionate costs, ownership of data and how "rights" can be assigned to data for confidentiality issues.

Mitch Barker, Chief of Police. Chief Barker explained that the public safety portion of the GIS system was small but critical. He said that what it is being used for currently is only the "tip of the iceberg" for what it will do in the future. He said that purchasing the system would be timed well with the expansion of the computers in the police cars. He introduced Ed Reed and explained that he saw this presentation about three weeks ago when it was given for law enforcement and fire, which was quite impressive.

Ed Reed, Program Manager for Pierce County Department of Emergency Management. Mr. Reed explained that he would be talking about a pre-planning template developed using the GIS system that would give current information about schools located within the county to assist police and fire when they respond to an incident. He said that the template would provide critical information. He used the incident at Columbine to demonstrate how a system like the one being designed in Pierce County could have helped the coordination efforts. He gave a presentation showing the school template and described the information that would be contained for each location.

David Skinner, Public Works Engineer. Mr. Skinner explained how the GIS system would benefit the Public Works Department with readily available, integrated information. He talked about how the design tools would allow for project planning, traffic impact modeling, flood plain identification and assist with critical information necessary for grant writing. He added that it would take a great deal of staff time to develop with the level of service information to predict future needs without the GIS system.

Ray Gilmore, Planning Director. Mr. Gilmore explained that the information would be extremely valuable in assisting his department, especially to develop the buildable lands inventory required by state and federal statutes. He talked about the integration of permit tracking software currently being utilized and the GIS system and the maps that could be generated. He said that as the data base builds, the information will be far more valuable than is currently imagined. He added that any citizen could use the information, saving a great deal of time. He gave an overview of other instances in which the system would assist his department.

Councilmember Owel asked Carol Morris, Legal Counsel, for her comments on the contract. Ms. Morris said that the Pierce County staff had tried very hard to accommodate her concerns about the agreement. She added that the major concern was one of liability and the language that she thought was inconsistent has disappeared. She said that if the city were to follow the confidentiality procedure contained in 'Exhibit 'D' , her other major concern would be addressed.

Staff members addressed other questions from Council regarding the system.

MOTION: Move we authorize the Mayor to sign the agreement for on-line access with Pierce County G.I.S.
Ekberg/Owel - Councilmember Dick withdrew himself from acting on the motion as an employee of Pierce County. Four member voted in favor, Councilmember Platt voted against the motion.

2. Second Reading of Ordinance - Donation from NW Snowboards to Skateboard Park. Dave Rodenbach, Finance Director, presented the second reading of this ordinance accepting a donation of \$500 from NW Snowboards and recommended approval.

MOTION: Move for adoption of Ordinance No. 825.
Picinich/Ekberg - unanimously approved.

3. Second Reading of Ordinance - Reducing Bingo and Raffles Tax. Dave Rodenbach presented this second reading of an ordinance. He explained that this would reduce the bingo and raffle tax from 10% to 5% to match state code as result of the 1999 State Legislature. He said that the financial impact from the reduction would be minimal. He said that only one organization submitted the tax returns relative to this tax. Councilmember Young recommended that the tax be abolished altogether and asked that this be revisited in the future.

MOTION: Move we adopt Ordinance No. 826.
Ekberg/Owel - unanimously approved.

Mayor Wilbert announced a short recess at 8:45 p.m. Council reconvened at 8:52 p.m.

NEW BUSINESS:

1. Blevins Property Acquisition. Mark Hoppen explained that in May, Council directed staff to work toward the acquisition of the 6,098 square foot parcel at the end of the old ferry landing. He said that an agreement had been reached with the Blevins to purchase the property for \$36,588, about half of the assessed market value. He added that the Level I environmental assessment had been completed.

Kathy Bunger - resident of the Harborview Beach Community. Ms. Bunger mentioned the informational packet submitted by Nick Tarabochia, who owns a commercial fishing netshed on the beach, and couldn't be present at the meeting. She said that the majority of the members of the beach community have serious concerns about the city purchase of this property. She said that they were happy to be involved with the planning meetings for the the proposed viewpoint at the end of the ferry landing, but that there had been no involvement by the residents that would be affected by this property purchase. She added that their concerns pertain to liability issues due to people believing that they might be able to walk to the Narrows Bridge and back after the property is purchased. She said that this is not physically possible. People who attempt to do this have to cut across her

deck to get back to the landing due to the tides. She said that her property is not for public use.

Councilmember Ekberg said that he was in favor of purchasing of the property, but not for people to walk to the Narrows. He said that these concerns would be heard at future meetings about developing this site. He said that by buying the property it would give the city the flexibility to meet some of the concerns of the neighbors by having more space to do what is desired. Carol Morris made suggested amendments to the purchase agreement to include the price, title insurance and a current closing date. Mayor Wilbert said that the city would work with the residents to address their concerns and manage the policing of the area.

MOTION: Move to approve the hazardous materials inspection and add Legal Counsel's amendments to the agreement.
Ekberg/Owel - unanimously approved.

Councilmember Young asked for clarification on the proposed use of the property. Wes Hill explained that the property was necessary to properly build a retaining wall on the south side of the view end to deal with exposed bank. Mark Hoppen spoke of the desire to make an environment more pleasing for pedestrian use by adding access to the water.

MOTION: Move to authorize the approval of the contract as amended.
Ekberg/Owel - unanimously approved.

2. First Reading of Ordinance - Parks and Transportation Impact Fees. Mark Hoppen explained that Carol Morris would speak to the changes in the ordinance since the last time it came before Council. Ms. Morris gave an overview of the changes relating to determination of a credit for impact fees and non-transferable credits. She explained that page 12, Section 13 spoke directly to Wade Perrow's concerns about the Six-year Transportation Plan, and stressed that impact fees can be the sole source of a funding for a particular project so the city would want to consider this during the budget process. She then addressed the request to "tighten up" the language on page 14, subsection B, and explained that this language is taken verbatim from statute RCW 82.02.070 subsection 3. She recommended leaving it as is because case law will be developing on the statute. She said that Tiffany Speir had brought up the issue about SEPA repeatedly and suggested amendments to the language on page 18, Section 19 to reference statute.

Councilmembers discussed dates to hold a worksession on the ordinance. It was discussed to hold the first session on October 4th. Carol Morris explained that she couldn't attend on the 4th. Mayor Wilbert asked if there were any further public comments.

Tiffany Speir. Ms. Spear asked if it would be possible to postpone the worksession until the 18th rather than the 4th.

Scott Wagner. Mr. Wagner explained that the Chamber was holding a meeting to address the ordinance on the 5th, and asked that the meeting be held after that.

John Rose. Mr. Rose asked to delay the meeting until after the Chamber's meeting to obtain the best input.

After further discussion the following motion was made.

MOTION: Move to hold the worksession at 5:30 p.m. before our regular meeting on October 11th to discuss the Impact Fees Ordinance.
Dick/Picinich - unanimously approved.

3. Street Name Change - "Wagner Way." Ray Gilmore, Planning Director, presented this request to rename 41st Avenue to Wagner Way. He introduced Scott Wagner, who gave a history of the Wagner name.

MOTION: Move to accept staff's recommendation to change the name of 41st Avenue to Wagner Way.
Owel/Picinich - unanimously approved.

4. First Reading of Ordinance - Variances from Public Works Standards. Wes Hill presented this ordinance adopting an administrative procedure that would allow for consideration of variance from the public works standards. He explained that there are instances where variance provisions would allow the department to resolve issues administratively rather than through legislative measures. Councilmember Dick asked that there be a provision added that there would be notice provided to the Council previous to these administrative decisions to allow for comment. Several options were discussed and staff was instructed to make amendments and bring it back for consideration.

5. Newpark Terrace - Sanitary Sewer Maintenance. Wes Hill presented this maintenance agreement executed by the current owner/developer to address the GHMC requirements relative to mutual maintenance and access of a private sewer system that connects with the city's system and to indemnify the city from costs incident to construction.

MOTION: Move to authorize execution of the Sanitary Sewer Facilities Maintenance Agreement and Restrictive Covenant for Newpark Terrace.
Young/Owel - unanimously approved.

6. Street Sweeper Purchase. Wes Hill presented this request to replace the city's current street sweeper with a newer, more effective model.

MOTION: Move to authorize purchase of a Johnston 4000 street sweeper from Pacific Utility Equipment Company under the State of Oregon Department of Administrative Services, in the amount of \$122,093.00, plus state sales tax and administrative fee for the Office of State Procurement, and to authorize the execution of a change order in the amount of \$6,845 for

safety and functional features for a revised total price of \$128,938.00 plus state sales tax and administrative fee for the Office of State Procurement. Dick/Picinich - unanimously approved.

7. Generator Purchase for Wastewater Treatment Plant. Wes Hill presented this request to approve the purchase of a back-up generator for the Wastewater Treatment Plant to replace the existing undersized and problematic generator.

MOTION: Move to approve the purchase of an Onan 800 KW emergency generator under Office of State Procurement Contract No. 04899, in the amount of \$139,046.78, including state sales tax. Picinich/Owel - unanimously approved.

PUBLIC COMMENT/DISCUSSION: None.

COUNCIL COMMENTS: None.

STAFF REPORT:

Chief Mitch Barker, Gig Harbor Police Department - August Statistics. Chief Barker answered questions about the report.

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing pending and potential litigation per RCW 42.30.110(i) and for property acquisition per RCW 42.30.110(b). Action may be taken.

MOTION: Move to adjourn to executive session at 10:06 p.m. for approximately fifteen minutes. Picinich/Ekberg - unanimously approved.

MOTION: Move to return to regular session at 10:30 p.m. Platt/Ekberg - unanimously approved.

MOTION: Move that we pay Silas Nelsen and Ms. Smith \$250 each after they sign release and covenant not to sue. Picinich/Young - five voted in favor. Councilmember Ekberg voted against the motion.

ADJOURN:

MOTION: Move to adjourn at p.m. 10:32. Ekberg/Platt - unanimously approved.

Cassette recorder utilized.
Tape 543 Side A 222 - end.
Tape 543 Side B 000 - end.
Tape 544 Both sides.
Tape 545 Both sides.

Stephen A. Weichert
Mayor

Molly M. Inoué
City Clerk