

Gig Harbor City Council Meeting



October 25, 1999

WORKSESSION ON IMPACT FEE ORDINANCE

Prior to Regular Council Meeting
6:00 p.m. - City Council Chambers

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
October 25, 1999**

CALL TO ORDER:

PUBLIC HEARING: Revenue Sources - 2000 General Fund Budget.

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 October 11, 1999, City Council Meeting.
2. Correspondence / Proclamations:
 - a) Pierce County Parks and Recreation - Youth Activity Fields Funding.
3. Approval of Payment of Bills for October 25, 1999:
Checks # 23520 through #23594 in the amount of \$120,569.21.
4. Special Occasion Liquor License:
St. Nicholas Church Peninsula Neighborhood Association.

OLD BUSINESS:

1. Third Reading of Ordinance - Parks and Transportation Impact Fees.
2. Second Reading of Ordinance - Eliminating Administrative Appeal.

NEW BUSINESS:

1. Resolution Opposing I-695.
2. 1999 Department of Assigned Counsel Contract.
3. Authorization for the Use of Uniforms and Hold Harmless and Indemnity Agreement.
4. First Reading of Ordinance - Development Agreement Ordinance.
5. First Reading of Ordinance - 2000 Tax Levy Ordinance.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS:

STAFF REPORTS:

1. Carol Morris, Legal Counsel - update on litigation.
2. Gig Harbor Police Department - October Stats.
3. Dave Rodenbach, Finance Director - Quarterly Report.

ANNOUNCEMENT OF OTHER MEETINGS:

Public Hearing on Formation of a LID - East-West Road - November 8th, 1999, at the regular City Council Meeting, 7:00 p.m. at City Hall.

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

ADJOURN:



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH
DATE: OCTOBER 18, 1999
SUBJECT: PUBLIC HEARING - REVENUE SOURCES - 2000 GENERAL FUND BUDGET

INTRODUCTION

Chapter 251, Laws of 1995 requires cities to hold a public hearing on revenue sources for the next year's general fund budget. The hearing must include considerations of possible increases in property tax revenues.

General Fund Revenue Summary

Revenue Source	1998	1999 Estimated ending balances	2000 (preliminary)
Property Taxes	\$482,653	\$528,500	\$546,000
Sales Tax	2,145,412	2,140,000	2,183,000
Other Taxes	709,871	736,300	714,000
Licenses and Permits	212,946	216,300	220,000
Intergovernmental Revenues	291,651	279,700	140,000
Fines and Forfeits	94,955	96,000	96,000
Miscellaneous Revenues	208,767	173,000	168,000
Total Revenues	4,146,255	4,169,800	4,067,000
Beginning Fund Balance	776,941	1,220,000	1,400,000
Total Resources	\$4,923,196	\$5,389,800	\$5,467,000

DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OCTOBER 11, 1999

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

CALL TO ORDER: 7:04 p.m. Mayor Wilbert welcomed the Scouts present in the audience, and asked everyone to stand and recite the Pledge of Allegiance in recognition of Columbus Day.

SPECIAL PRESENTATION:

I-695 and It's Possible Effects on Pierce Transit. Mayor Wilbert introduced Jean Jackman, Public Information Officer for Pierce Transit. Ms. Jackman gave a presentation on the potential cuts in bus and other service if Initiative 695 is approved by the voters.

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 27, 1999, City Council Meeting.
2. Correspondence / Proclamations:
 - a) Pierce Transit - Amendment to Bylaws.
 - b) WSDOT - Letter in Support of the Roundabout.
 - c) Thank you from Capt. Blake - H.M. Endeavor Foundation.
3. Approval of Payment of Bills for October 11, 1999:
Checks # 23412 through #23519 in the amount of \$387,407.98.
4. Approval of additional Payroll for August (processed in September):
Checks #18824 and #18825; in the amount of \$379.72.
5. Approval of Payroll for September:
Checks #18827 through #18974 in the amount of \$289,399.80.
6. Special Occasion Liquor License - Knights of Columbus.
7. Liquor License Renewals: Water to Wine; Fred Meyer Marketplace; Harvester Restaurant; and Olympic Village BP.

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

OLD BUSINESS:

1. **First Reading of Ordinance - Parks and Transportation Impact Fees.** Mayor Wilbert explained that this item had been discussed during the worksession held before this meeting. She asked if anyone who was unable to attend the worksession or had additional comments would like to speak.

Jim Pasin - 3208 50th St. Ct. - Mr. Pasin said because of the upcoming agenda item to discuss a proposed LID, he wanted to make an observation on the latest update of the Impact Fee Ordinance. He said that a statement had been added to give credit against the impact fee equal to the amount of the LID assessment paid for transportation related facilities. He said his basic concern is that a tax benefit would be received by those who can participate in a LID as opposed to those who cannot. His second concern was that if a transportation project is funded by a LID, then it shouldn't be on the list, as it is being funded by another means.

MOTION: Move we schedule another worksession on the impact fee ordinance on Monday, October 18th at 7:00 p.m. and that this return for a third reading at the October 25th Council meeting.
Picinich/Young - unanimously approved.

NEW BUSINESS:

1. Amendment to Municipal Court Judge Employment Agreement. Carol Morris, Legal Counsel, explained that the Police Chief had asked for an amendment to the Judge's employment contract to address civil forfeiture hearings. She said that under the statute, the Chief is allowed to conduct these hearings, but for appearance of fairness reasons, he would like to distance himself from these hearings and recommended that the Municipal Judge conduct the hearings. She added that this contract amendment would address his hourly rate for these services.

MOTION: Move to approved the amended employment agreement for Michael Dunn at the rate of \$125.00 per hour.
Picinich/Owel - unanimously approved.

2. Hearing Examiner Contract. Mark Hoppen, City Administrator, presented this contract renewal for 2000. He explained that the contract reflects a 2.7% increase for both Hearing Examiner and secretarial services. He added that this is the opportunity for Council to decide to seek new services. After discussing the terms of the contract, the following motion was made.

MOTION: Move to approve the Hearing Examiner Contract as presented.
Young/Ekberg - unanimously approved.

3. Bid Award - WWTP SCADA Control System Upgrade. Wes Hill, Public Works Director, explained that he had received three bids to update the control system at the Wastewater Treatment Plant and recommended that the contract be awarded to Systems Interface Inc. as the lowest responsible bidder.

MOTION: Move we approve award and execution of the contract for the SCADA and Control System Upgrade to System Interface, Inc., as the responsible

bidder, in the amount of thirty-one thousand four hundred twenty dollars and no cents (\$31,420.00), plus state sales tax.
Dick/Picinich - unanimously approved.

4. Resolution to Form an Local Improvement District for the Construction of the East-West Road. Dave Rodenbach, Finance Director, presented this resolution to announce intent to form a LID to complete the East-West Road. He explained that it is very similar to the last effort to form a LID, except the level of public participation is increased by \$250,000, so that the total level of public participation is \$1.85 million, with a million of that coming from Pierce County and \$85,000 coming from the city. The remaining \$1.65 million would be the LID amount assessed to the participating properties. He added that a formation and public hearing is scheduled for November 8th.

MOTION: Move to approve Resolution No. 538.
Ekberg/Owel - unanimously approved.

5. First Reading of Ordinance - Eliminating Administrative Appeal. Carol Morris explained that currently, the code enforcement procedures have an appeal process for notices of violation issued by the Building Official for building, fire, plumbing and mechanical code issues. She said that there is no requirement for the city to have a provision for administrative appeal, but it was found that having an appeal for a civil penalty notice of violation is important because the appeal to Superior Court is based on the record developed at the city. In regards to a criminal notice of violation, the prosecutor would take the violation and file a lawsuit in Municipal Court and then prosecute it in that manner. She said that this ordinance would eliminate the administrative appeal for a criminal penalty notice of violation. This will return for a second reading at the next meeting.

PUBLIC COMMENT/DISCUSSION:

Rosemary Ross - 3315 Lewis Street. Ms. Ross said she wanted to speak in favor of the city's purchase of the Borgen Property. She explained that the Historical Society has purchased the property abutting this property and that it would be a good marriage between the city and the Historical Society if the city were to purchase the property. She added that she took part in a survey in January regarding the acquisition or development of existing parks. She said that the results of the survey showed that the Borgen Property was second only to the further development of the City Park at Crescent Creek. She asked that Council take this into consideration when they discuss the possibility of the purchase.

Wade Perrow - 9119 North Harborview Drive. Mr. Perrow also spoke in favor of the city purchase of the Borgen Property. He said that in Appendix 'D' of the Parks Project, there are several projects that could be changed and impact fees could be collected so the city would have the funds for the project.

COUNCIL COMMENTS: None.

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

The second session of the worksessions on the Impact Fee Ordinance - Monday, October 18, 1999, City Hall at 7:00 p.m.

The Mayor called a short minute recess at 7:48 p.m. The meeting resumed at 7:55 p.m.

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

MOTION: Move to add an item to executive session to discuss possible property acquisition, and to adjourn to executive session at 7:56 p.m. for approximately thirty minutes.
Owel/Young - unanimously approved.

MOTION: Move to return to regular session at 8:25 p.m.
Picinich/Owel - unanimously approved.

MOTION: Move to authorize the City Clerk to pay \$250 in settlement to John Paglia for the claim with regards to the sewer overflow as long as the claimant signs the release and covenant not to sue.
Picinich/Owel - five voted in favor. Councilmember Ekberg voted against the motion.

Councilmember Owel discussed the possible acquisition of the Borgen Property. She spoke of the value to the city and how it would fit well with the Historical Society's plans to complete their vision. She continued to say that it is a piece of property that the citizens want as a park and made the following motion.

MOTION: Move to authorize staff to make an offer to purchase the Borgen Property upon the following contingencies: Council approval of the Environmental Assessment Phase I, the property appraisal, and the Contract to Purchase. In addition, Council must approve a budget amendment for the purchase of the property, which would include an amendment to the comprehensive plan.
Owel/Picinich - unanimously approve.

ADJOURN:

MOTION: Move to adjourn at 8: 55 p.m.
Picinich/Owel – unanimously approved.

Cassette recorder utilized.
Tape 545 Side A 000 - end.
Tape 545 Side B 000 - 169.

Mayor

City Clerk



Pierce County

Parks and Recreation

JAN WOLCOTT
Director

9112 Lakewood Drive S.W., Suite 121
Tacoma, Washington 98499-3998
(253) 798-4176 • FAX (253) 582-7461

RECEIVED

RECEIVED

OCT 14 1999

OCT 20 1999

PIERCE
COUNTY EXECUTIVE

*Also copy: FRANCES
PATRICK K*

October 12, 1999

CITY OF GIG HARBOR

*NAME GRETCHEN WILSON
GIG HARBOR*

Doug Sutherland
Pierce County Executive
930 Tacoma Avenue, Room 747
Tacoma, WA 98402

RE: Youth Activity Fields Funding

Dear Doug:

I am pleased to notify you that Pierce County has been awarded 3 parks and recreation grants through the State of Washington Interagency Committee for Outdoor Recreation. The specific program is called the Youth Athletic Facilities Account. The funding will be finalized at a two day meeting on November 18 and 19 in Olympia with the Interagency Committee members.

Pierce County's funding is as follows:

- Our 40 acre community park site in South Hill is scheduled to receive \$241,581 to construct a two field soccer complex.
- Sprinker Recreation Center for the construction of two new softball fields will receive \$150,000.
- The Tallman Sports Complex in Gig Harbor is scheduled to receive \$55,299 as partial funding for the construction of the fields.

The IAC requires Council approval of all applications for funding. The Council did review and approve three resolutions for these funds. I want to thank the Council and you for the support we have received in applying for these grants.

If you have any questions or comments, please don't hesitate to contact me.

Respectfully yours,

Jan Wolcott
Director

JW/pf

- cc: Jan Shabro, Councilmember
Sarah Casada, Councilmember
Ken Madsen, Councilmember
Harold Moss, Councilmember
Wendell Brown, Councilmember
Pat O'Malley, Councilmember
Karen Biskey, Councilmember



WASHINGTON STATE LIQUOR CONTROL BOARD-License Services
1025 E Union - P O Box 43075
Olympia WA 98504-3075

RECEIVED

OCT 18 1999

CITY OF GIG HARBOR

TO: MAYOR OF GIG HARBOR

October 15, 1999

SPECIAL OCCASION # 360342

ST. NICHOLAS CHURCH
3510 ROSEDALE ST
GIG HARBOR, WA 98335

DATE: NOVEMBER 14, 1999

TIME: 12PM TO 6PM

PLACE: ST. NICHOLAS HALL - 3510 ROSEDALE, GIG HARBOR

CONTACT: JACK MICHEL - 253-404-4380 / 857-9123

SPECIAL OCCASION LICENSES

- * License to sell beer on a specified date for consumption at specific place.
- * License to sell wine on a specific date for consumption at a specific place.
- * Beer/Wine in unopened bottle or package in limited quantity for off premises consumption.
- * Spirituous liquor by the individual glass for consumption at a specific place.

If return of this notice is not received in this office within 20 days from the above date, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

1. Do you approve of applicant? YES__ NO__
2. Do you approve of location? YES__ NO__
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES__ NO__

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	
LAW ENFORCEMENT	_____	YES__ NO__
HEALTH & SANITATION	_____	YES__ NO__
FIRE, BUILDING, ZONING	_____	YES__ NO__
OTHER:	_____	YES__ NO__

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

WASHINGTON STATE LIQUOR CONTROL BOARD-License Services
1025 E Union - P O Box 43075
Olympia WA 98504-3075

TO: MAYOR OF GIG HARBOR

October 12, 1999

RECEIVED

SPECIAL OCCASION # 090615

OCT 14 1999

PENINSULA NEIGHBORHOOD ASSOCIATION
3803 HARBORVIEW DR
GIG HARBOR, WA 98335

CITY OF GIG HARBOR

DATE: NOVEMBER 16, 1999

TIME: 6PM TO 10PM

PLACE: GIG HARBOR YACHT CLUB - 8209 STINSON AVE, GIG HARBOR

CONTACT: CARMELA MICHELI - 253-752-6463

SPECIAL OCCASION LICENSES

- * License to sell beer on a specified date for consumption at specific place.
- * License to sell wine on a specific date for consumption at a specific place.
- * Beer/Wine in unopened bottle or package in limited quantity for off premises consumption.
- * Spirituous liquor by the individual glass for consumption at a specific place.

If return of this notice is not received in this office within 20 days from the above date, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

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2. Do you approve of location? YES__ NO__
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES__ NO__

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	
LAW ENFORCEMENT	_____	YES__ NO__
HEALTH & SANITATION	_____	YES__ NO__
FIRE, BUILDING, ZONING	_____	YES__ NO__
OTHER:	_____	YES__ NO__

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *M.H.*
SUBJECT: PARKS AND TRANSPORTATION IMPACT FEES ORDINANCE
DATE: OCTOBER 21, 1999

INFORMATION/BACKGROUND

In order to ensure that adequate transportation and parks facilities can be provided at established levels of service to serve new growth and development, this ordinance is presented to establish transportation and park impact fees as statutorily enabled by the Growth Management Act and the State Environmental Policy Act. This ordinance is consistent with city comprehensive plans for transportation and parks, and creates the means to ensure that new development bears a proportionate share of the capital costs of off-site parks and transportation facilities. Also, this ordinance ensures that the city will pay its fair share of these capital costs, and provides for the equitable collection of these fees.

POLICY CONSIDERATIONS

Consistent with the prior comparison study of the proposed transportation fee schedule, staff recommends that Council consider a uniform reduction of the rate. The attached transportation impact fee schedule reflects this adjustment. Such a reduction means that a greater share of the cost of new capacity will be born by existing taxpayers than was initially proposed by the city's consultants.

FISCAL CONSIDERATIONS

Payment of impact fees are proposed to be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit. A developer may elect to postpone payment of the impact fees for each lot within a subdivision until the issuance of a building permit for each lot.

RECOMMENDATION

Staff recommends that this ordinance be adopted after the second reading during October.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRANSPORTATION AND PARK IMPACT FEES, AUTHORIZING THE IMPOSITION OF IMPACT FEES ON NEW DEVELOPMENT TO PROVIDE FUNDING FOR THE DEVELOPMENT'S PROPORTIONATE SHARE OF OFF-SITE OR SYSTEM IMPROVEMENTS REASONABLY RELATED TO THE NEW DEVELOPMENT; DESCRIBING THE METHOD FOR THE CALCULATION OF THE FEES; REFUNDS OF THE FEE, AND PROVIDING FOR AN ADMINISTRATIVE APPEAL OF THE FEE; ADDING A NEW CHAPTER 19.12 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council of the City of Gig Harbor intends that adequate parks and transportation facilities be provided to serve new growth and development, and

WHEREAS, in order that new parks and transportation facilities are available when needed, the Council has determined that the cost of the parks and transportation facilities must be shared by the public and the private sectors, and the proportionate share of the expense of new parks and transportation facilities necessitated by new development shall be borne by developers through the City's imposition of impact fees, and

WHEREAS, such impact fees shall be calculated, imposed and collected by the City pursuant to procedures and criteria set forth in this ordinance, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Short Title. This ordinance shall be known and may be cited as the "Gig Harbor Impact Fee Ordinance" and shall comprise a new Chapter 19.12 in Title 19 of the Gig Harbor Municipal Code.

Section 2. Authority and Purpose.

A. This ordinance is enacted pursuant to the City's police powers, the Growth Management Act as codified in Chapter 82.02 of the Revised Code of Washington (RCW), Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA) Chapter 43.21C RCW.

B. The purpose of this ordinance is to:

1. Develop a program consistent with the Gig Harbor Parks Open Space and Recreation Plan, 6-Year Road Plan and the City's Comprehensive Plan (parks and transportation elements), and Capital Improvement Plan, for joint public and private financing of park and transportation facility improvements necessitated in whole or in part by development in the City;
2. To ensure adequate levels of service within the City;
3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off-site parks and transportation facilities reasonably related to new development, in order to maintain adopted levels of park service and maintain adopted levels of service on the City's transportation facilities;
4. Ensure that the City pays its fair share of the capital cost of parks and transportation facilities necessitated by public use of the parks and roadway system;
and
5. Ensure fair collection and administration of such impact fees.

C. The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.

Section 3. Applicability.

A. The requirements of this ordinance apply to all development as defined in Ordinance No. 817, Chapter 19.14 of the Gig Harbor Municipal Code.

B. Mitigation of impacts on parks and transportation facilities located in jurisdictions outside the City will be required when:

1. The other affected jurisdiction has reviewed the development's impact under its adopted impact fee/mitigation regulations and has recommended to the City that there be a requirement to mitigate the impact; and

2. There is an interlocal agreement between the City and the affected jurisdiction specifically addressing impact identification and mitigation.

Section 4. Geographic Scope. The boundaries within which impact fees shall be charged and collected are the same as the corporate City limits. All unincorporated areas annexed to the City on and after the effective date of this ordinance shall be subject to the provisions of this ordinance. After the adoption of interlocal agreements with other local and regional governments, the geographic boundaries may be expanded consistent therewith.

Section 5. Definitions. For the purposes of this ordinance, the terms used in this ordinance shall have the meanings as set forth in chapter 19.14, unless the context clearly indicates otherwise.

Section 6. Imposition of Impact Fees.

A. The Approving Authority is hereby authorized to impose impact fees on new Development.

B. Impact fees may be required pursuant to the Impact Fee Schedule adopted through the process described herein, or mitigation may be provided through: 1) the purchase, installation and/or improvement of park and transportation facilities pursuant to Section 9(C) dedication of land pursuant to Section 9(C) of this ordinance.

C. Impact Fees:

1. Shall only be imposed for park and transportation facilities that are reasonably related to the impacts of Development;
2. Shall not exceed a proportionate share of the costs of park and transportation facilities that are reasonably related to new Development;
3. Shall be used for park and transportation facilities that will reasonably benefit the new Development;
4. Shall not be used to correct existing deficiencies;
5. Shall not be imposed to mitigate the same off-site park and transportation facility impacts that are being mitigated pursuant to any other law;
6. Shall not be collected for improvements to state/county park and transportation facilities unless the state/county requests such improvements and an agreement to collect such fees has been executed between the state/county and the City;
7. Shall not be collected for improvements to park and transportation facilities in other municipalities unless the affected municipality requests such improvement

and an interlocal agreement has been executed between the City and the affected municipality for collection of such fees;

8. Shall not be collected for any Development approved prior to the date of adoption of this ordinance unless changes or modifications in the Development requiring City approval are subsequently proposed which result in greater direct impacts on park and transportation facilities than were considered when the Development was first approved;

9. Shall be collected only once for each Development, unless changes or modifications to the Development are proposed which result in greater direct impacts on park and transportation facilities than were considered when the Development was first permitted;

10. May be imposed for system improvement costs previously incurred by the City, to the extent that new growth and development will be served by the previously constructed improvements, and provided that such fee shall not be imposed to make up for any system improvement deficiencies; and

11. Shall only be imposed for park facilities on residential Development.

Section 7. Approval of Development. Prior to approving or permitting a Development, an Approving Authority shall consult with the Director concerning mitigation of a Development's impacts.

Section 8. Fee Schedules and Establishment of Service Area.

A. Impact Fee Schedules setting forth the amount of the Impact Fees to be paid by Development are listed in Appendix 'B' for Roads and Appendix 'C' for parks, attached hereto and incorporated herein by this reference.

B. For the purpose of this ordinance, the entire City shall be considered one Service Area.

Section 9. Calculation of Impact Fees.

A. The Director shall calculate the Impact Fees set forth in Appendix B and C, more specifically described in the Gig Harbor 6-Year Road Plan and the Parks Open Space and Recreation Plan, which:

1. Determines the standard fee for similar types of Development, which shall be reasonably related to each Development's proportionate share of the cost of the Projects described in Appendix 'A', and for parks shall be calculated as set forth in Appendix 'C'.

2. Reduces the proportionate share by applying the benefit factors described in this section.

B. In calculating proportionate share, the Director shall:

1. Identify all park and transportation facilities that will be impacted by users from each Development.

2. Identify when the capacity of a park or transportation facility has been fully utilized;

3. Update the data as often as practicable, but at least annually;

4. Estimate the cost of constructing the Projects in Appendix 'A' for roads as of the time they are placed on the List, and the cost of maintaining the City's level of park service as shown on Appendix 'D' and then update the cost estimates at least annually, considering the:

- a. Availability of other means of funding park and transportation facility improvements;
- b. Cost of existing park and transportation facility improvements; and
- c. Methods by which park and transportation facility improvements were financed;

5. Update the fee collected against a Project which has already been completed, through an advancement of City funds, at a rate, determined annually, which is equivalent to the City's return on its investments.

C. The Director shall reduce the calculated proportionate share by giving credit for the following benefit factors:

1. The purchase, installation and/or improvement of park and transportation facilities, if:

- a. the facilities are located on land owned by the City, Pierce County, a school district or a special district; and
- b. a designated public owner is responsible for permanent, continuing maintenance and operation of the facilities; and
- c. the Director determines that the facilities correspond to the type(s) of park and transportation facilities being impacted by the Development as determined pursuant to this ordinance; and

d. the Director determines, after consultation with the County, school district or special purpose district, as applicable, and an analysis of supply and demand data, the Parks Open Space and Recreation Plan, the 6-Year Road Plan and any applicable Pierce County park and transportation plan, that the proposed park and transportation facility improvements better meet the City's need for park and transportation facilities than would payment of funds to mitigate the park and transportation impacts of the Development.

2. The credit against the Impact Fee shall be equal to the fair market value of the purchase, installation and/or improvement.

3. Any applicable benefit factors as described in RCW 82.02.060, that are demonstrated by the applicant not to have been included in the calculation of the impact fee.

4. A developer of a planned residential development or mobile home park may receive credit only for park and transportation facilities provided in addition to those normally required under SEPA for such developments pursuant to Chapter 18.04 GHMC.

5. When the Director has agreed to a developer's proposal to satisfy some or all of the Impact Fee through the purchase, installation and/or improvement of park and transportation facilities, the developer shall prepare and submit a facility improvement plan to the Director for approval prior to recordation of a plat or short plat for subdivisions, and prior to issuance of a building permit for all other developments.

6. In the determination of credit toward the impact fee, the Director shall also consider the extent to which the proposed dedication or conveyance meets the following criteria:

a. The land should result in an integral element of the Gig Harbor Park/Road System;

- b. The land is suitable for future park and/or transportation facilities;
- c. The land is of an appropriate size and of an acceptable configuration;
- d. The land has public access via a public street or an easement of an equivalent width and accessibility;
- e. The land is located in or near areas designated by the City or County for park, trail on land use plans for recreation purposes;
- f. The land provides linkage between Pierce County and/or other publicly-owned recreation or transportation properties;
- g. The land has been surveyed or adequately marked with survey monuments, or otherwise readily distinguishable from adjacent privately-owned property;
- h. The land has no known physical problems associated with it, such as the presence of hazardous waste, drainage, erosion, or flooding problems which the Director determines would cause inordinate demands on public resources for maintenance and operation;
- i. The land has no known safety hazards;
- j. The developer is able to provide documentation, as nearly as practicable, of the land's compliance with the criteria of this subsection, and of clear title; and
- k. The developer is able to provide and fund a long-term method, acceptable to the Director, for the management and maintenance of the land, if applicable.

7. The amount of credit determined pursuant to this subsection C shall be credited proportionately among all the units in the Development, and the Impact Fee for each unit for which a permit or approval is applied shall be reduced accordingly.

8. Applicants may not request that an impact fee credit be provided for a proposed Development based upon taxes, user fees, assessments, improvements, payments or other benefit factors applicable to property that is not included within the proposed Development.

9. ~~Applicants shall receive credit against the impact fee equal to the amount of an LID assessment paid for transportation-related facilities identified by the Director as increasing transportation system capacity.~~

Section 10. Variation from Impact Fee Schedule. If a developer submits information demonstrating a significant difference between the age, social, activity or interest characteristics of the population of a proposed subdivision or Development and the data used to calculate the Impact Fee Schedule, the Director may allow a special calculation of the Impact Fee requirements for the subdivision or Development to be prepared by the Developer's consultant; at the Developer's cost; provided, however, that the Director shall have prior approval of the qualifications and methodology of the Developer's consultant in making such calculation, and any time period mandated by statute or ordinance for the Approving Authority's decision on the subdivision or Development shall not include the time spent in preparing the special calculation. Whether the Director accepts the data provided by the special calculation shall be at the Director's discretion.

Section 11. Payment of Fees.

A. All developers shall pay an Impact Fee in accordance with the provisions of this ordinance at the time that the applicable development permit is ready for issuance.

1. Vested Permits. The Fee paid shall be the amount in effect as of the date that the City determines that the applicable development permit is complete, as long as at least one

development permit for the project is of the type that vests under the City's ordinances or state law.

2. **Non-Vested Permits.** If a developer submits an application for a development permit that does not vest under the City's ordinances or state law, then the Fee paid shall be the amount in effect as of the date of permit issuance.

3. **Plats.** If a developer of a preliminary plat or short plat chooses to delay payment of the impact fee until the date of building permit issuance, the amount of the impact fee shall be the amount established at the time the preliminary plat or short plat is determined to be complete by the City only if: (1) the approval on the preliminary plat has not expired; or (2) at the very latest, the developer has submitted a complete building permit applications for all construction in the plat within five years of the anniversary date of the preliminary plat, short plat or final plat.

B. The Impact Fee, as initially calculated for a development permit, shall be recalculated at the time of issuance if the Development is modified or conditioned in such a way as to alter park and transportation impacts for the Development.

C. A developer may obtain a preliminary determination of the Impact Fee before application for a development permit by providing the Director with the information needed for processing.

Section 12. Time of Payment of Impact Fees.

A. Payment of any required Impact Fees shall be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit; Provided, however, that for final plats or short plats, the developer may elect to postpone payment of the Impact Fees for each lot within the final plat or short plat until issuance of a building permit for each

lot. The election to postpone payment shall be noted by a covenant placed on the face of the recorded plat or short plat and included in the deed for each affected lot within the final plat or short plat.

B. When a subdivision or Development is conditioned upon the dedication of land, or the purchase, installation or improvement of park and transportation facilities, a final plat or short plat shall not be recorded, and a building permit shall not be issued for other development until:

1. The Director has determined in writing that any land to be dedicated is shown on the face of the final plat or short plat, or a deed conveying the land to the City, Pierce County, a school district or special purpose district, as appropriate, has been recorded with the Pierce County Auditor; and

2. The Director has determined in writing, after consultation with the designated public owner responsible for permanent, continuing maintenance and operation of the facilities, that the developer has satisfactorily undertaken, or guaranteed to undertake in a manner acceptable to the Director, any required purchase, installation or improvement of park and transportation facilities.

Section 13. Project List.

A. The Director shall annually review the City's Parks Open Space and Recreation Plan, the Six-Year Parks Improvement Plan, the Six-Year Road Plan and the Projects listed in Appendix A and B and shall:

1. Identify each Project in the Comprehensive Plan that is Growth-Related and the proportion of each such Project that is Growth-Related;
2. Forecast the total monies available from taxes and other public sources for park and transportation improvements for the next six (6) years;
3. Update the population, building activity and demand and supply data for park and transportation facilities and the Impact Fee Schedule for the next six (6) year period.
4. Calculate the amount of Impact Fees already paid; and
5. Identify those Comprehensive Plan projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The Director shall use this information to prepare an annual Draft Amendment to the fee schedule. A draft amendment to Exhibits A and D, which shall comprise:

1. The Projects on the Comprehensive Plan that are Growth-Related and that should be funded with forecast public monies and the Impact Fees already paid; and
2. The Projects already built or funded pursuant to this ordinance whose performance capacity has not been fully utilized.

C. The Council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall by separate ordinance establish the annual Project List by adopting, with or without modification, the Director's Draft Amendment.

D. Once a Project is placed on Appendix A, or the City amends its level of park service in Appendix 'D' a fee shall be imposed on every Development that impacts the Project until the Project is removed from the List by one of the following means:

1. The Council by ordinance removes the Project from Appendix A and/or D, in which case the fees already collected will be refunded if necessary to ensure that Impact Fees remain reasonably related to the park and transportation impacts of Development that have paid an Impact Fee; provided that a refund shall not be necessary if the Council transfers the Fees to the budget of another Project that the Council determines will mitigate essentially the same park and transportation impacts; or

2. The capacity created by the Project has been fully utilized, in which case the Director shall administratively remove the Project from the Project List.

Section 14. Funding of Projects.

A. An Impact Fee trust and agency fund is hereby created. The Director shall be the fund manager. Impact fees shall be placed in appropriate deposit accounts within the Impact Fee fund.

B. The Impact Fees paid to the City shall be held and disbursed as follows:

1. The Fees collected for each Project shall be placed in a deposit account within the Impact Fee fund;

2. When the Council appropriates Capital Improvement Project (CIP) funds for a Project on the Project List, the Fees held in the Impact Fee fund shall be transferred to the CIP fund. The non-Impact Fee monies appropriated for the Project shall

comprise both the public share of the Project cost and an advancement of that portion of the private share that has not yet been collected in Impact Fees;

3. The first money spent by the Director on a Project after a Council appropriation shall be deemed to be the Fees from the Impact Fee fund;

4. Fees collected after a Project has been fully funded by means of one or more Council appropriations shall constitute reimbursement to the City of the funds advanced for the private share of the Project. The public monies made available by such reimbursement shall be used to pay the public share of other Projects.

5. All interest earned on Impact Fees paid shall be retained in the account and expended for the purpose or purposes for which the Impact Fees were imposed.

C. Projects shall be funded by a balance between Impact Fees and public funds, and shall not be funded solely by Impact Fees.

D. Impact Fees shall be expended or encumbered for a permissible use within six (6) years of receipt, unless there exists an extraordinary or compelling reason for Fees to be held longer than six (6) years. The Director may recommend to the Council that the City hold Fees beyond six (6) years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the Council.

E. The Director shall prepare an annual report on the Impact Fee account showing the source and amount of all monies collected, earned or received and projects that were financed in whole or in part by Impact Fees.

Section 15. Use and Disposition of Dedicated Land. All land dedicated or conveyed pursuant to this ordinance shall be set aside for development of park and transportation facilities. The City and Pierce County, any school district or special purpose district to which land is dedicated or conveyed pursuant to this ordinance, shall make every effort to use, develop and maintain land dedicated or conveyed for park and transportation facilities.

In the event that use of any such dedicated land is determined by the Director or Pierce County, any school district or special purpose district to be infeasible for development of park and transportation facilities, the dedicated land may be sold or traded for another parcel of land in the City, subject to the requirements of state law and City ordinances. The proceeds from such a sale shall be used to acquire land or develop park and transportation facilities in the City.

Section 16. Refunds.

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which Impact Fees were paid, and the developer shows that no impact has resulted. However, the administrative fee shall not be refunded.

B. In the event that Impact Fees must be refunded for any reason, they shall be refunded with interest earned to the Owners as they appear of record with the Pierce County Assessor at the time of refund.

C. When the City seeks to terminate any or all Impact Fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify

all potential claimants by first class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the City, but must be expended on Projects on the City's adopted plans. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

Section 17. Exemption or Reduction for Low-Income Housing.

A. Public housing agencies or private non-profit housing developers participating in publicly-sponsored or subsidized housing programs may apply for exemptions from the Impact Fee requirements. The Director shall review proposed developments of low-income housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule. If the Director determines that a proposed Development of low-income housing satisfies the adopted criteria, such Development shall be exempted from the requirement to pay an Impact Fee.

B. Private developers who dedicate residential units for occupancy by low-income households may apply to the Director for reductions in Impact Fees. If the Director determines that the developer's program for low-income occupancy of housing units satisfy the adopted criteria, the Director shall reduce the calculated Impact Fee for the Development so that the developer does not pay an impact fee for those units dedicated for low-income household occupancy.

C. The amount of the Impact Fee not collected from low-income Development shall be paid from public funds other than Impact Fee accounts.

D. The Director is hereby instructed and authorized to adopt administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low-income households by public housing agencies or private non-profit housing developers participating in publicly-sponsored or subsidized housing programs;
2. Encourage the construction in private developments of housing units for low-income households that are in addition to units required by another housing program or development condition;
3. Ensure that housing that qualifies as "low income" meets appropriate standards regarding household income, rent levels or sale prices, location, number of units and development size;
4. Ensure that developers who obtain an exemption from or reduction from Impact Fees will in fact build the proposed low income housing and make it available to low income households for a minimum of fifteen (15) years;
5. Implement an exemption plan whereby payment of the Impact Fee is deferred for low income housing and forgiven over a fifteen (15) year period.

Section 18. Appeals.

A. Decision by Director. The Director shall issue a written decision on the Impact Fee amount as described in this ordinance.

B. Reconsideration by Director. In order to appeal the Director's decision, the developer shall:

1. Make a written request to the Director for a meeting to review the fee amount, together with a written request for reconsideration. The request for reconsideration shall state in detail the grounds for the request.

2. The Director shall consider any studies and data submitted by the developer seeking to adjust the amount of the fee. The Director shall issue a decision on reconsideration within ten (10) working days of the Director's receipt of the request for reconsideration or the meeting with the developer, whichever is later.

C. **Appeal of Decision on Reconsideration to Hearing Examiner.** A developer may appeal the amount of the Impact Fee established in the Director's decision on reconsideration to the Hearing Examiner, who shall conduct a public hearing on the appeal.

1. An appeal of the Impact Fee as established by the Directors' decision on reconsideration may be filed without appealing the underlying permit. If the developer files an appeal of the underlying permit and the impact fee, the appeals shall be consolidated.

2. The developer shall bear the burden of proving:

a. That the Director committed error in calculating the developer's proportionate share, as determined by an individual fee calculation, or, if relevant, as set forth in the Impact Fee Schedule, or in granting credit for the benefit factors; or

b. That the Director based his determination upon incorrect data.

3. An appeal of the Director's decision on reconsideration must be filed with the Planning Department within fourteen (14) calendar days of that decision.

D. Appeal of Hearing Examiner's Decision. Appeals from the decision of the Hearing Examiner shall be to the City Council, pursuant to the provisions of Gig Harbor Municipal Code Chapter 19.05 GHMC.

Section 19. Relationship to SEPA.

~~A. All Development shall be subject to environmental review pursuant to SEPA and other applicable City ordinances and regulations.~~

~~B. Payment of the Impact Fee shall constitute satisfactory mitigation of those park and transportation impacts related to the specific improvements identified on the Project List (Appendix A and Appendix D).~~

~~C. Further mitigation in addition to the Impact Fee shall be required if adverse impacts appropriate for mitigation pursuant to SEPA are identified that are not adequately mitigated by an Impact Fee.~~

~~A. As provided in RCW 82.02.100, a person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay an impact fee under this ordinance for those same system improvements.~~

~~B. Nothing in this ordinance shall be construed to limit the City's authority to deny development permits when a proposal would result in probable significant adverse impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.~~

Section 20. Park and Transportation Facility Requirements in Adjoining Municipalities/Districts. Level of service requirements and demand standards different than those

provided in the Gig Harbor Comprehensive Park Plan shall be applied to park and recreation facility impacts in adjoining municipalities/districts if such different standards are provided in an interlocal agreement between the City and the affected municipality. Otherwise, the standards contained in the Gig Harbor Comprehensive Plan shall apply to park and transportation impacts in adjoining jurisdictions.

Section 21. Necessity of Compliance. A development permit issued after the effective date of this ordinance shall be null and void if issued without substantial compliance with this ordinance by the Director, the Department and the Approving Authority.

Section 22. Severability. If any part of this ordinance is found to be invalid, that finding shall not affect the validity of any remaining part of this ordinance.

Section 23. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:
BY _____

FILED WITH THE CITY CLERK: 9/22/99
PASSED BY THE CITY COUNCIL:

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On the ____ day of _____, 1999, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRANSPORTATION AND PARK IMPACT FEES, AUTHORIZING THE IMPOSITION OF IMPACT FEES ON NEW DEVELOPMENT TO PROVIDE FUNDING FOR THE DEVELOPMENT'S PROPORTIONATE SHARE OF OFF-SITE OR SYSTEM IMPROVEMENTS REASONABLY RELATED TO THE NEW DEVELOPMENT; DESCRIBING THE METHOD FOR THE CALCULATION OF THE FEES; REFUNDS OF THE FEE, AND PROVIDING FOR AN ADMINISTRATIVE APPEAL OF THE FEE; ADDING A NEW CHAPTER 19.12 TO THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 1999.

CITY CLERK, MOLLY TOWSLEE

Rate Schedule / Transportation

Appendix 'A' / Transportation

TIP #	Project Description	Year Scheduled	Estimated Total Project Cost	Total Grants / Other Participation					Developer Participation						
				Pierce County Participation	Federal Participation	% of Total Project Cost	State Grants (UATA, TIB, TIA, Ect.)	% of Total Project Cost	Total Grants	City Participation	% of Total Project Cost	% added for Increase Capacity	Formula to determine Capacity	Developer Participation	% of Total Project Cost
1	EAST-WEST (BORGÉN) ROAD IMPROVEMENTS (Swede Hill Interchange (SR-16) to Peacock Hill Ave)	2001	\$7,969,000	\$0	0	0.0%	\$0	0.0%	\$824,000	\$503,000	17.1%	100%		\$1,523,000	51.7%
4	POINT FOSDICK DRIVE IMPROVEMENTS (Ph 1) - 1,000-ft. South of Olympic Dr. to 44th Street	1999	\$667,000	\$0	0	0.0%	\$482,000	72.3%	\$482,000	\$55,000	8.2%	39%	(0.5x0.39)x0.667	\$130,665	19.5%
11	POINT FOSDICK DRIVE IMPROVEMENTS (Ph 2) - 44th Street to City Limits	2001-2002	\$545,000	\$0	355,926	65.3%	\$0	0.0%	\$355,926	\$55,549	10.2%	49%	(0.5x0.49)x0.545	\$133,525	24.5%
12	OLYMPIC DRIVE/56th STREET IMPROVEMENTS - 950-ft. west of Point Fosdick Drive to 38th Avenue	2001-2002	\$1,341,000	\$0	875,774	65.3%	\$80,000	6.0%	\$955,774	\$56,681	4.2%	39%	(0.5x0.49)x1.34	\$328,545	24.5%
19	56th ST / PT FOSDICK DR IMPROVEMENTS - Olympic Drive to Olympic Drive	2003-2004	\$1,182,000	\$0	771,935	65.3%	\$36,600	3.0%	\$807,935	\$84,475	7.1%	49%	(0.5x0.49)x1.182	\$289,590	24.5%
22	EAST-WEST (BORGÉN) ROAD CONSTR (Ph. 2) - Swede Hill Interchange (SR-16) to W of Woodridge	2003-2004	\$4,050,000	\$0	1,751,625	43.3%	\$150,000	3.7%	\$1,901,625	\$123,375	3.0%	100%	(0.5x1.0)x4.05	\$2,025,000	50.0%
23	CRESCENT VALLEY CONNECTOR - Peacock Hill Avenue to Crescent Valley Road	2003-2004	\$4,300,000	\$0	1,859,750	43.3%	\$0	0.0%	\$1,859,750	\$290,250	6.8%	100%	(0.5x1.0)x4.3	\$2,150,000	50.0%
25	NORTH-SOUTH CONNECTOR - East-West Road to Peacock Hill Avenue	2000-2001	\$150,000	\$0	0	0.0%	\$0	0.0%	\$0	\$75,000	50.0%	100%	(0.5x1.0)x0.15	\$75,000	50.0%
26	HUNT STREET CROSSING - Kimball Drive to 38th Ave	2003-2004	\$11,800,000	\$0	5,103,500	43.3%	\$398,100	3.4%	\$5,501,600	\$390,400	3.4%	100%	(0.5x1.0)x11.8	\$5,900,000	50.0%
TOTAL			\$28,985,000	\$824,000	\$10,718,509		\$1,146,100		\$12,884,609	\$1,641,731				\$12,584,725	

Appendix 'B'
Transportation

Impact Fee Rate Schedule

ITE Code	ITE Land Use Category	Trip Rate (1)	% New Trips (2)	Peak Hour Factor (3)	Net New Trips Per Unit of Measure	Impact Fee Per Unit @ \$ 108.22 Per Trip
110	Light Industrial	3.49	100%	1.33	4.64 1,000 sq. ft.	\$ 0.50 per square foot
140	Manufacturing	1.93	100%	1.84	3.55 1,000 sq. ft.	0.38 per square foot
151	Mini-warehouse	1.30	100%	0.95	1.24 1,000 sq. ft.	0.13 per square foot
210	Single Family House	4.78	100%	1.00	4.78 dwelling	517.30 per dwelling unit
220	Apartment	3.24	100%	0.92	2.98 dwelling	322.50 per dwelling unit
230	Condominium	2.93	100%	0.89	2.61 dwelling	282.46 per dwelling unit
240	Mobile Home	2.41	100%	1.14	2.75 dwelling	297.61 per dwelling unit
250	Retirement Community	1.16	100%	0.90	1.04 dwelling	112.55 per dwelling unit
310	Hotel	4.35	100%	0.83	3.61 room	390.68 per room
320	Motel	5.10	100%	0.56	2.86 room	309.52 per room
420	Marina	1.48	100%	0.61	0.90 berth	97.40 per berth
430	Golf Course	4.17	100%	0.44	1.83 acre	198.05 per acre
444	Movie Theater	11.96	100%	1.88	22.48 1,000 sq. ft.	2.43 per square foot
492	Racquet Club	8.57	100%	0.98	8.40 1,000 sq. ft.	0.91 per square foot
530	High School	5.45	100%	1.68	9.16 1,000 sq. ft.	0.99 per square foot
560	Church	4.66	100%	0.73	3.40 1,000 sq. ft.	0.37 per square foot
610	Hospital	8.39	100%	0.59	4.95 1,000 sq. ft.	0.54 per square foot
620	Nursing Home	1.30	100%	0.62	0.81 bed	87.66 per bed
710	Office 10,000 Sq. Ft.	12.30	100%	1.31	16.11 1,000 sq. ft.	1.74 per square foot
710	Office 50,000 Sq. Ft.	8.29	100%	1.28	10.61 1,000 sq. ft.	1.15 per square foot
710	Office 100,000 Sq. Ft.	7.02	100%	1.26	8.85 1,000 sq. ft.	0.96 per square foot
720	Medical Office	17.09	100%	1.13	19.31 1,000 sq. ft.	2.09 per square foot
820	Retail 10,000 Sq. Ft.	83.80	49%	0.85	34.90 1,000 sq. ft.	3.78 per square foot
820	Retail 50,000 Sq. Ft.	45.83	48%	0.87	19.14 1,000 sq. ft.	2.07 per square foot
820	Retail 100,000 Sq. Ft.	35.34	74%	0.88	23.01 1,000 sq. ft.	2.49 per square foot
820	Retail 200,000 Sq. Ft.	27.25	74%	0.88	17.75 1,000 sq. ft.	1.92 per square foot
832	Restaurant: sit-down	102.68	52%	0.72	38.44 1,000 sq. ft.	4.16 per square foot
833	Fast Food, No Drive-up	393.11	52%	0.51	104.25 1,000 sq. ft.	11.28 per square foot
844	Service Station	150.18	27%	0.48	19.46 pump	2,106.00 per pump
850	Supermarket	88.80	49%	0.82	35.68 1,000 sq. ft.	3.86 per square foot
851	Convenience Market - 24 Hr.	369.00	31%	0.69	78.93 1,000 sq. ft.	8.54 per square foot
860	Wholesale Warehousing	3.37	100%	0.29	0.98 1,000 sq. ft.	0.11 per square foot
911	Bank/Savings: Walk-in	70.31	30%	1.17	24.68 1,000 sq. ft.	2.67 per square foot
912	Bank/Savings: Drive-in	132.61	30%	1.56	62.06 1,000 sq. ft.	\$ 6.72 per square foot

(1) ITE Rate divided by 2.

(2) Eliminates pass-by trips.

(3) Adjustment factor to convert average daily trips to peak hour equivalent.

Appendix 'C' Parks

RATE SCHEDULE

Based on the 50% assessment identified in "Note (3)" of Appendix 'C-2' (p. 143 City of Gig Harbor Parks, Recreation and Open Space Plan) of this ordinance, the Park Impact Fee is set at \$1500 per dwelling unit.

Appendix 'D' / Parks

Capital improvement program 1996-2002

Agency/Department: Gig Harbor Public Works Department

Address: 3105 Judson Street

City, zip code: Gig Harbor, Washington 98335

Phone: 206.851.8145 Fax: 206.851.8563 County: Pierce County

Pty	Project site	Lvl	Act	Item	Funds	Unit	Unit Cost	Qty	Qty Cost
CONSERVANCY/RESOURCE PARKS									
high	Wilkinson Wetlands	lcl	acq	acquire/accept donation	GMA/SEPA	acres	\$31,250.00	16.0	\$500,000
			dvp	trail-class 4 w/o services	GMA/SEPA	miles	\$37,651.00	0.5	\$18,826
			dvp	trailhead w/parking/sanican	GMA/SEPA	stall	\$2,440.27	15	\$36,604
moderate	WWTP	lcl	dvp	trail-class 3 w/o services		miles	\$46,485.00	0.25	\$11,621
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	10	\$65,494
low	Scofield Property	rgl	acq	acquire upland site		acres	\$1,038,728.00	1.1	\$1,190,000
			acq	acquire tidelands		acres	\$5,000.00	10.0	\$50,000
			dvp	trail-class 4 w/o services		miles	\$37,651.00	0.25	\$9,413
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	15	\$93,242
low	Acquire Tallman's Wetl	lcl	acq	acquire wetlands site	SEPA	acres	\$31,250.00	0.0	\$0
			dvp	trail-class 4 w/o services		miles	\$37,651.00	0	\$0
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	0	\$0

\$1,980,199

RESOURCE PARKS

high	City Park	lcl	acq	acquire adjacent property		acres	\$75,757.00	2.0	\$150,262
			dvp	trail-class 5 w/o services		miles	\$14,359.00	0.25	\$3,630
high	City Park Extension	lcl	acq	acquire east of Wheeler Street		acres	\$100,000.00	1.1	\$110,000
high	Gig Harbor Marine Park	rgl	plan	master plan harbor use		plan	\$50,000.00	1	\$50,000
high	Jerisich Park	rgl	dvp	dock extension/vessel pump-out		sq ft	\$32.00	1050	\$33,600
			acq	acquire Skansie property		acres	\$1,166,866.67	1.5	\$1,750,000
			dvp	restore net shed		sq ft	\$50.00	3752	\$187,600
			dvp	develop picnic facilities		table	\$3,400.00	5	\$17,000
low	WWTP	lcl	acq	acquire adjacent properties		acre	\$8,240.00	11.5	\$94,760
low	Wheeler Street-and	lcl	dvp	picnic facilities w/o services		table	\$3,400.00	0	\$0

\$2,396,812

TRAIL SYSTEMS

high	Harbor Ferry Landing	rgl	dvp	view platform w/access		sq ft	\$850.00	240	\$204,000
high/mod	Harbor Ridge MS	lcl	dvp	trail-multi w/o services		miles	\$189,450.00	0.05	\$3,611
			dvp	overlook platform w/picnic		sq ft	\$50.00	200	\$10,000
low/mod	Harbor Heights	lcl	dvp	trail-multi w/o services		miles	\$189,450.00	0.14	\$25,834
			dvp	overlook w/picnic		sq ft	\$32.00	200	\$6,400
low	Lagoon/Narrows Trail	rgl	acq	trail use rights		plan	\$15,000.00	1	\$15,000
			dvp	trail-multi w/o svcs-UGA		miles	\$37,447.00	5.5	\$476,984
			dvp	trailhead w/parking/sanican		stall	\$2,440.27	30	\$73,208
mod/high	SR-15 Mtn Bike Trail	lcl	dvp	mtn bike 1-w/o svcs UGA		miles	\$14,683.00	1.8	\$26,696
low	Pioneer/Harborview Pla	lcl	dvp	streetscape		sq ft	\$12.00	12,000	\$144,000
low	Water Trailheads	rgl	acq	water trailhead w/svs		site	\$22,304.00	0.5	\$11,152

\$1,001,825

ATHLETIC FIELDS

high	City Park	lcl	acq	acquire adjacent property		acres	\$25,000.00	11.9	\$297,521
high	Gig Harbor North	lcl	acq	acquire community park site	SEPA	acres	\$0.00	20	\$0
high	Tallman Park	lcl	acq	acquire community park site	SEPA	acres	\$0.00	20	\$0
high	Skateboard Court	lcl	dvp	develop skateboard facility		each	\$50,000.00	1	\$50,000
high	Harbor Ridge MS	rgl	plan	master plan site rcn uses		plan	\$15,000.00	1	\$15,000
high	Henderson Alt/PLC	rgl	plan	master plan site rcn uses		plan	\$25,000.00	1	\$25,000
high	GHPSD school sites	lcl	plan	master plan site rcn uses		plan	\$15,000.00	1	\$15,000

\$402,521

COMMUNITY/RECREATION CENTER

high	CLC/Henderson Alt	rgl	plan	master plan facilities		plan	\$50,000.00	1	\$50,000
high	Harbor Ridge MS	rgl	plan	master plan facilities		plan	\$10,000.00	1	\$10,000
			dvp	renovate building		sq ft	\$25.00	3000	\$75,000
mod	City Park	lcl	acq	acquire Mason's Building		each	\$50,000.00	1	\$50,000

\$185,000

TOTAL

\$5,968,417



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEVE BOWMAN, BUILDING OFFICIAL/FIRE MARSHAL
DATE: OCTOBER 20, 1999
SUBJECT: ORDINANCE ELIMINATING ADMINISTRATIVE APPEAL

INTRODUCTION & BACKGROUND

An ordinance has been prepared for your consideration to eliminate the administrative appeal of any notice of violation issued for a violation of the State Building Code as adopted by the City in Title 15 GHMC (which includes the fire code and plumbing code) and which subjects the violator to criminal prosecution.

RECOMMENDATION:

After due consideration, the City Council adopt this ordinance and direct the City Clerk to have the ordinance summary published.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CODE ENFORCEMENT, ELIMINATING THE ADMINISTRATIVE APPEAL OF ANY NOTICE OF VIOLATION ISSUED FOR A VIOLATION OF THE STATE BUILDING CODE AS ADOPTED BY THE CITY IN TITLE 15 GHMC (WHICH INCLUDES THE FIRE CODE AND PLUMBING CODE) AND WHICH SUBJECTS THE VIOLATOR TO CRIMINAL PROSECUTION; AMENDING SECTION 15.18.014 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the State has required that the City adopt and enforce the state building code, which consists of the codes enumerated in RCW 19.27.031; and

WHEREAS, the City has adopted the codes set forth in RCW 19.27.031 by reference, together with certain local amendments, in Title 15 of the Gig Harbor Municipal Code; and

WHEREAS, violations of certain codes included in the state building code subject the violator to criminal prosecution; and

WHEREAS, the City has adopted an enforcement procedure in chapter 15.18 of the Gig Harbor Municipal Code; and

WHEREAS, the first stage of an enforcement action brought under chapter 15.18 GHMC is the City's issuance of a Notice of Violation; and

WHEREAS, the City is not required to provide for administrative appeals of its code enforcement actions; and

WHEREAS, the City Council desires to eliminate any administrative appeal of a Notice of Violation for violation of the codes included in Title 15 which subject the violator to criminal prosecution; and

WHEREAS, the City Council also desires to clarify the fact that there is no additional administrative appeal beyond the appeal to the Hearing Examiner of a Notice of Violation for violation of the codes included in Title 15 which subject the violator to civil prosecution; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 15.18.014 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.014 Review by hearing examiner.

A. Notice of Violation (criminal penalties). There is no administrative appeal of a notice of violation issued pursuant to GHMC § 15.18.006 for a violation of the codes in this Title which subject the violator to criminal prosecution.

B. Notice of Violation (civil penalties). Any person significantly affected by or interested in a notice of violation issued by the building official pursuant to GHMC 15.18.006 for a violation of the codes in this Title which subject the violator to civil prosecution may obtain an appeal of the notice by requesting such appeal within fifteen (15) calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or city holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request, the building official shall forward the request to the office of the hearing examiner, pursuant to Chapter 17.10 GHMC.

B C. At or after the appeal hearing, the hearing examiner may:

1. Sustain the notice of violation;
2. Withdraw the notice of violation;

3. Continue the review to a date certain for receipt of additional information;

4. Modify the notice of violation, which may include an extension of the compliance date.

~~C.D.~~ The hearing examiner shall issue a decision within ~~ten~~ (10) days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person(s) named on the notice of violation, mailed to the complainant, if possible, and filed with the department of records and elections of Pierce County.

~~D E.~~ The decision of the hearing examiner shall be final ~~and conclusive, and no further administrative appeal may be filed.~~ ~~In order to appeal the decision of the hearing examiner, a person with standing to appeal a decision imposing criminal penalties must appeal to the appropriate court with jurisdiction, and In order to appeal the decision of the hearing examiner, a person with standing to appeal a decision imposing civil penalties must make application for a land use petition under Chapter 36.70C RCW within 21 days of the issuance of the examiner's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.~~

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached approved summary thereof consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ___th day of _____, 1999.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 199__, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CODE ENFORCEMENT, ELIMINATING THE ADMINISTRATIVE APPEAL OF ANY NOTICE OF VIOLATION ISSUED FOR ANY VIOLATION OF THE STATE BUILDING CODE ADOPTED BY THE CITY OF GIG HARBOR(WHICH INCLUDES THE FIRE CODE AND PLUMBING CODE), AND WHICH SUBJECTS THE VIOLATOR TO CRIMINAL PROSECUTION; AMENDING SECTION 15.18.014 OF THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of _____, 1999.

~~LYANNE PERKINS~~, TOWN CLERK



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: CAROL MORRIS, CITY ATTORNEY
SUBJECT: RESOLUTION OPPOSING I-695
DATE: OCTOBER 19, 1998

INFORMATION/BACKGROUND

Council member Bob Dick has proposed adoption of the attached Resolution opposing I-695. The Council may pass a resolution in support of or in opposition to Initiative 695 during an open public meeting, as long as: (1) notice for the meeting includes the title and number of the ballot proposition; and (2) members of the legislative body or the public who hold an opposite view are given an approximately equal opportunity to express their views at the open public meeting.

FISCAL IMPACT

While the passage of Initiative 695 will likely have a fiscal impact on the City, adoption of the attached Resolution will have no fiscal impact.

STAFF RECOMMENDATION

The staff provides no recommendation.

RESOLUTION NO. 539

A RESOLUTION EXPRESSING OPPOSITION TO INITIATIVE 695, AN INITIATIVE WHICH, IF APPROVED, WOULD REQUIRE VOTER APPROVAL OF EACH FUTURE INCREASE IN TAXES AND OTHER CHARGES, WOULD ELIMINATE THE MOTOR VEHICLE EXCISE TAX, WOULD IMPOSE A \$30 LICENSE TAB FEE, AND WOULD REQUIRE PROPERTY TAXATION OF MOTOR VEHICLES AND TRAVEL TRAILERS; AND CALLING UPON THE LEGISLATURE AND GOVERNOR TO CORRECT DEFICIENCIES OF AND TO REDUCE THE MOTOR VEHICLE EXCISE TAX TO BE MORE CONSISTENT WITH PROPERTY TAX WITHOUT DISPROPORTIONATE IMPACT ON LOCAL GOVERNMENTS.

WHEREAS, Initiative 695 (I-695) will be on the November 2, 1999, Washington State general election ballot; and,

WHEREAS, I-695 asks the voters to decide 1) if voter approval should be required for any future increase in taxes, which the text of the initiative defines as including any increase in any monetary charge by government, 2) if all vehicle license tab fees should be set at \$30 per year for motor vehicles, and 3) if the Motor Vehicle Excise Tax (MVET) and exemption of motor vehicles from property taxation should be repealed; and,

WHEREAS, many voters may not understand that I-695 covers all of these subjects and is not simply a proposed reduction in license tab fees; and,

WHEREAS, the City of Gig Harbor is responsible for the public safety and welfare of its citizens; and,

WHEREAS, the approval and enactment of I-695 would affect the ability of the City of Gig Harbor to carry out its responsibilities and priorities as expressed by its citizens, by reducing City of Gig Harbor general and transportation revenues by approximately \$73,000 in 2000, and considerably more in future years; and,

WHEREAS, the Mayor and City Council of the City of Gig Harbor believe that I-695 would result in negative impacts on programs and services for Gig Harbor residents, including the loss of funding dedicated to state and local transportation, public health services, criminal justice, and governmental services; and,

WHEREAS, the fiscal impact of the approval and enactment of I-695 on the Washington State Budget would be a revenue loss from repeal of the MVET alone of approximately \$1.1 billion in 1999-2001 biennium and \$1.7 billion in revenues in the 2001-2003 biennium; and,

WHEREAS, adoption of I-695 would repeal the MVET, which is deductible from federal income tax, and require that more state and local services be provided with taxes which are extra and which are not deductible from federal tax, placing a greater tax burden upon the citizens of Washington than is necessary to provide the same level of service using deductible state taxes; and

WHEREAS, expenditure of the approximately \$1 billion in the State General Fund reserves would not even address the ongoing funding loss, and could not be done by the Legislature until the year 2001 without a 2/3 vote of the Legislature removing the emergency spending limitations of Initiative 601 reenacted by Referendum 49 last year; and,

WHEREAS, I-695 could significantly affect the ability of the state, county, City of Gig Harbor, Fire District No. 5, and the Peninsula School District's ability to issue bonds for needed public improvements already scheduled for construction or scheduled in the future, reducing the services which can be provided with the same number of dollars of taxation; and,

WHEREAS, I-695 would significantly reduce funding for transportation improvements through elimination of a significant amount of the bond repayment source for state highway improvements and local road construction, which would have been funded under Referendum 49 adopted by the voters last year; and,

WHEREAS, I-695 would both directly reduce MVET funds to Gig Harbor available for local funding of road improvements and significantly reduce state funds from which local road improvements projects receive grants without which most road projects cannot be constructed without years of additional delay while local funds can be collected; and

WHEREAS, even if the Legislature and the Department of Transportation would agree immediately to reduce state projects to bear the revenue lost by adoption of I-695, and to authorize funding of some local road improvement grant applications, the necessity of revising the priority of the hundreds of grant applications from every city and county in the state will cause years of delay in virtually every local road project; and

WHEREAS, even where a "monetary increase" in the total property tax collected by the City were caused by growth and increasing property values, and even where increased total property value in the City actually reduced property taxes for every taxpayer in the City under existing limitations of I-601 and Referendum 47, I-695's requirement for voter approval of every "monetary increase" in property tax would significantly cut the ability of Gig Harbor, the state and every local government to continue existing levels of service funded by property tax in amounts which would decline each year, without voter approval and the cost of an election which would not otherwise be scheduled; and,

WHEREAS, the State Department of Transportation has singled out the Gig Harbor peninsula for huge tolls for construction of two additional lanes across the Tacoma Narrows, in addition to tax

obligations shared by local citizens with all other state citizens, and has contracted to impose tolls for crossing the existing Narrows' two-way facility already purchased with our tolls, and I-695 would only worsen the burden on citizens of Gig Harbor and increase traffic congestion by reducing state funds which could be appropriated by the Legislature to build highway lanes to the new bridge and local road improvements to connect to those additional lanes, and increase the incentive for the Department to include any improvements into the toll-funded expenses because of reduced tax revenue; and

WHEREAS, the \$200 million loss to the state ferry system would add increased congestion to the Highway 16 and Narrows Bridge; and,

WHEREAS, I-695 would cut more than 38% of the entire budget of Pierce Transit, requiring at least 25% reductions in existing services, increasing traffic congestion on Highway 16 and City streets, and increasing reliance upon toll travel across the Narrows Bridge; and,

WHEREAS, adoption of I-695 by the voters would expressly repeal the only exemption of motor vehicles and travel trailers from property taxation required by the Washington Constitution and existing statutes, and would constitute voter approval of the expansion of the property tax base to include vehicles, and would greatly increase the burden upon taxpayers to file annual personal property tax returns not presently required, and would greatly increase the cost of collection of that portion of the property tax without providing any revenue to the state or any local government; and,

WHEREAS, the City has given due public notice regarding consideration of a position on the Initiative, including the number and title of the proposition, and has allowed equal time for expression of opposing views,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Gig Harbor, with the Mayor concurring, that:

THE CITY OF GIG HARBOR STRONGLY OPPOSES INITIATIVE 695,

AND THE CITY OF GIG HARBOR CALLS UPON THE LEGISLATURE AND THE GOVERNOR TO CORRECT DEFICIENCIES OF AND TO REDUCE THE MOTOR VEHICLE EXCISE TAX TO BE MORE CONSISTENT WITH PROPERTY TAX AND TO ALLOCATE THE REVENUE REDUCTION CAUSED THEREBY SO THAT IT DOES NOT FALL DISPROPORTIONALLY UPON LOCAL GOVERNMENTS.

APPROVED, THE MAYOR CONCURRING:

MAYOR GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY
BY: _____

FILED WITH THE CITY CLERK: 10/18/99
PASSED BY THE CITY COUNCIL:



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: 1999 DAC CONTRACT
DATE: OCTOBER 20, 1999

INFORMATION/BACKGROUND

Pierce County's Department of Assigned Counsel, which historically provides the city with indigent defense services for the Municipal Court, requests the City of Gig Harbor to review and approve the 1999 contract for services. The contract is substantially similar to the contract approved in 1998, with a 3.2% increase.

FISCAL CONSIDERTIONS

This contract reflects an increase of 3.2% over last year's contract.

RECOMMENDATION

Staff recommends approval of the contract as presented.

ASSIGNED COUNSEL AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of January, 1999, by and between the City of Gig Harbor, (hereinafter called the "City"), and Pierce County, (hereinafter called the "County").

WITNESSETH:

WHEREAS, the Revised Code of Washington, Rules for Courts of Limited Jurisdiction JCR 2.11 requires legal counsel to be furnished every indigent defendant charged in the Gig Harbor Municipal Court with an offense whereby upon conviction may be punished by imprisonment; and

WHEREAS, the Gig Harbor Municipal Court Judge and City Administrator determined that the Pierce County Department of Assigned Counsel (hereinafter "the Department") is capable and qualified to provide the necessary and required legal services; and

WHEREAS, said Judge and City Administrator have evaluated the performance of the above-named Department and found the requirements of the Rules for Court of Limited Jurisdiction met by providing the necessary and qualified legal services to indigent defendants, thereby satisfying the requirements of the Judge of the Municipal Court; and

WHEREAS, the Pierce County Department of Assigned Counsel indicated their willingness to enter into a contractual agreement to furnish such services to the City for the period beginning January 1, 1999 and ending December 31, 1999.

NOW THEREFORE,

1. The Department will provide legal counsel services to indigent defendants in the Gig Harbor Municipal Court for the 1999 calendar year. Such services will include, but are not limited, to, legal services to all indigent defendants charged with misdemeanor crimes, including, where appropriate, interviewing defendants held in custody, representation at arraignments as requested by the Court, and at all subsequent proceedings in the Municipal Court. Indigency status will be determined by the City in coordination with the Court.
2. In return for the services rendered to the city and to those indigent defendants represented by the Department, the City agrees to pay the County a sum not to exceed \$27,606 annually, commencing January 1, 1999, and ending December 31, 1999. Payments shall be due and payable in the amount of \$6,901.50 the end of each quarter for those services rendered.

3. The parties to this agreement may review the agreement quarterly to determine whether the costs contemplated by the Department of Assigned Counsel have been materially altered such that the payments made by the City are not proportionate to the actual cost of the services provided. Every quarter, the Department shall provide the City with the appropriate records to facilitate such review. If at any such review by the Department or by the City it is determined that the actual expenses of the Department have been materially increased or decreased, then the payment provisions of this Agreement may be amended upon written agreement by the parties, or upon the option of either party, canceled with 90 days written notice.
4. The Department will comply with such reporting and project evaluation requirements as may be established by the City to enable it to appraise the effectiveness of the Department's services. Upon request by the City, the Department shall allow the City reasonable access to its records for the purpose of evaluating the Department's performance under this paragraph.
5. The Department will not subcontract any of its responsibilities or activities required hereunder without the prior written approval of the Judge(s) of the Municipal Court of Gig Harbor and the City.
6. The Department shall carry on its activities pursuant to this agreement at all times in full compliance with all applicable laws, rules and regulations of the United States Government, the State of Washington, the County of Pierce, and the City of Gig Harbor.
7. In all hiring or employment made possible by or resulting from this Agreement, (1) there will not be any discrimination against any employee or applicant for employment because of race, color, religion, sex, or national origin, (2) affirmative action will be taken to assure that applicants are employed and that employees are treated during employment, without regard to their race, color, religion, sex, age, national origin, or marital status, and (3) the Department agrees to comply with Section 504 of the Rehabilitation Act of 1973, thereby assuring that no person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or other be subjected to discrimination under any program, service, or activity provided by the Department as part of this Agreement.
8. None of the funds, materials, property, or services provided directly or indirectly in this Agreement shall be used in the performance of this Agreement for any partisan political activity, or to further the election or defeat of any candidate for public office. None of the funds provided under this Agreement shall be used for publicity or propaganda purposes designed to defeat or support legislation pending before any legislative body.

9. The County shall provide all the Department's malpractice coverage either through malpractice insurance or through self-insurance.
10. The Department agrees to indemnify, defend and hold the City harmless for any and all claims or liabilities of any nature for any negligent or intentional acts performed by the Department, its agents or employees pursuant to this Agreement.
11. Either party may terminate this Agreement by providing the other with written notice 30 days prior to the termination date.
12. The written provisions of this Agreement shall supersede all prior verbal statements of any officer or representative of the City, or any prior agreements between the parties and such statement or prior agreements shall not be effective or be construed as entering into, forming a part of, or altering this Agreement in any way. The entire agreement between the parties is contained in this Agreement document.
13. In the event that any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full force and effect.
14. Notice given pursuant to the Agreement shall be given in writing to the parties as follows:

Department: Department of Assigned Counsel
949 Market Street, Suite 334
Tacoma, WA 98402

City: City Administrator
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

This Agreement shall be in effect until the 31st day of December, 1999, provided that it be renewable or renegotiable on or before such termination date.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year above written.

CITY OF GIG HARBOR

PIERCE COUNTY

MAYOR GRETCHEN A. WILBERT



JOHN H. HILL, DIRECTOR, DAC

CITY ADMINISTRATOR

PIERCE COUNTY EXECUTIVE DIRECTOR

PIERCE COUNTY
CONTRACT SIGNATURE PAGE
Indigent Defense Services

Contract # 10706

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, 19____.

CONTRACTOR:

Contractor Signature Date

Title of Signatory Authorized by Firm Bylaws

Name: City of Big Harbor

UBI No. (if applicable) _____

Address: _____

Mailing Address: _____

Contact Name: _____

Phone: _____

Fax: _____

PIERCE COUNTY:

RECOMMENDED:

See Contract

Department Director Date

Susan J. Fureu

Prosecuting Attorney (as to form only) 9-30-99
Date

P. Kimmey

Budget and Finance 10-5
Date

APPROVED:

A. Robles

Executive Director (if applicable) 10-7-11
Date

OR

County Executive (if over \$50,000) Date

CONTRACTOR-

Complete the tax status information for one of the following business entity types. Individual or Corporate name must exactly match that which is registered with either Social Security Administration or Internal Revenue Service.

SOLE PROPRIETOR:

Business Owner's Name

Business Owner's Social Security Number

DBA/Business or Trade Name (if applicable)

PARTNERSHIP:

Name of Partnership

Partnership's Employer Identification Number

CORPORATION:

Name of Corporation

Corporation's Employer Identification Number



City of Gig Harbor Police Dept.
3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-2236

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MITCH BARKER *mlb*
**SUBJECT: AUTHORIZATION FOR THE USE OF UNIFORMS AND HOLD
HARMLESS AND INDEMNITY AGREEMENT**
DATE: OCTOBER 6, 1999

INFORMATION/BACKGROUND

On occasion we receive requests to have police officers work in security functions at various events or work sites. These generally are limited to traffic control and sports functions. Since this is a non-duty function, the hours are coordinated by the Police Officers' Guild. While working at these functions, the officers are employed by a third party. All work events must be approved by the Chief and must serve a public safety function. In many cases the off duty officer's presence serves as a deterrent to problems and thereby eliminates the need for an on duty officer to respond or deal with problems related to the special event. In this way, having an off duty officer, compensated by a third party, is a benefit to the city's public safety purpose.

I asked our legal counsel specializing in employment matters, Scott Snyder, to review our current/past practices in this area. He drafted the attached agreement which he believes will clarify the various roles of those participating in off duty work, and provide better indemnification for the city regarding claims related to work hours and similar concerns.

The Guild representatives have reviewed the agreement and have signed it on behalf of their members. Following Council approval, each officer and reserve officer wishing to work in an off duty capacity will also be required to sign the agreement.

FISCAL IMPACTS

There are no fiscal impacts related to this agreement.

RECOMMENDATION

The Police Department recommends that the Council authorize the Mayor to approve the attached agreement.

AUTHORIZATION FOR THE USE OF UNIFORMS AND
HOLD HARMLESS AND INDEMNITY
AGREEMENT

WHEREAS, the Police Officers' Guild of Gig Harbor wishes to provide employment opportunities for its members as well as reserve officers with private employers in the community in order to provide such services as direction of traffic for construction companies; and

WHEREAS, the Guild has requested permission for the City to use regular officers' and reserve officers' uniforms while providing such services; and

WHEREAS, the City finds it to be in the public interest to permit the use of its uniforms in certain limited situation so long as it is clear that the officers are not in the employ of the City and that the reserve officers remain volunteers to the City, and that both are employed solely through the private party under the auspices of the Guild;

NOW, THEREFORE, the Police Officers' Guild of Gig Harbor (hereinafter "Guild"), the City of Gig Harbor (hereinafter "City") and the undersigned regular and reserve officers do enter into this agreement in consideration of the mutual promises contained herein and the mutual benefits to be derived:

1. USE OF UNIFORM

In consideration of the hold harmless and indemnity agreement provided below; the City of Gig Harbor permits the wearing of police uniforms by officers and reserve officers employed through the Guild for the provision of traffic control for construction sites and other similar services (hereinafter "Guild Assignments"). The use of the City's uniform shall be limited to those generic situations pre-approved by the Chief through the Guild.

2. EMPLOYMENT/VOLUNTEER STATUS

The use of the City's uniform shall not imply any employment status for regular City police officers during Guild assignments nor anything other than a volunteer status for the City's reserve officers. The guild shall be solely responsible for the coordination of employment by the third parties and for arranging payment to the officers or reserve officers through the third party. Nothing herein shall be interpreted to imply an employment relationship with the City during the performance of such services.

3. GUILD COORDINATION

The guild shall coordinate all such employment, pre-approving generic employment situations through the Chief. The City shall have no responsibility and bear no costs for any wage, salary or employee benefit which arises from or out of the provision of services to third parties through the Guild. In consideration of the City's permission to use police uniforms in situations approved by the Chief, the Guild makes the hold harmless and indemnity agreement contained in paragraph 4 below.

4. HOLD HARMLESS AND INDEMNITY

The Guild and its members, both collectively and individually, promise to hold harmless and indemnify the City of Gig Harbor, its officers, agents and employees, from any and all liability of any kind or nature arising from or out of the Guild's coordination of services to third parties. This promise to hold harmless and indemnify includes, but is not limited to any and all employee related costs such as wages, salaries, overtime claims, employee benefits as well as the cost of defense by counsel of the City's choosing.

5. OFFICER/RESERVE OFFICER ACKNOWLEDGMENT

I, the undersigned reserve officer or officer, understand and agree that services performed for a third party and coordinated by the Guild pursuant to this Agreement are performed for such third parties and the Guild and that no employment status of any kind or nature shall be implied with respect to the City during the performance of Guild assignments.

The officers and reserve officers acknowledge, agree and understand that his/her services are performed for such third parties and that nothing herein nor in the provision of services, shall be interpreted to be a part of their regular employment for police officers or, with respect to reserve officers, impact their volunteer status.

In consideration of the City approved uniform use in employment by third parties, the officer or reserve officer specifically waives and releases the City from any liability arising from or out of such employment and acknowledges the following:

- 5.1 For officers, pursuant to the Department of Labor regulations and the Fair Labor Standards Act and Union contract, work hours spent in Guild assignments are reasonably believed by the officer, the City and the Guild to be outside of the officer's normal work day and therefore not subject to the Fair Labor Standards Act or Union contract, hours of work and overtime provisions.
- 5.2 With respect to reserve officers, he/she acknowledges and agrees that hours worked through the Guild for third party employers does not impact and is separate and apart from their volunteer status with the City of Gig Harbor and waives and relinquishes any claim of any employment status which he or she could assert based upon Guild assignments.

6. RESERVATION OF RIGHTS

The Chief reserves the right to withdraw the City's approval of the use of a uniform in the event of a claim for wages or benefits by an employee or when in the sole discretion of the Chief, such withdrawal is necessary to protect the best interests of the City.

DATED this _____ day of October 1999.

CITY OF GIG HARBOR

GIG HARBOR POLICE
OFFICERS' GUILD

By _____
Its Mayor

By _____
Guild Representative

ATTEST:

Molly M. Towslee, City Clerk

Officer/Reserve Officer

Date: _____

Officer/Reserve Officer

Date: _____

Officer/Reserve Officer

Date: _____

Officer/Reserve Officer

Date: _____

Officer/Reserve Officer

Date: _____

Officer/Reserve Officer

Date: _____

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Officer/Reserve Officer

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Officer/Reserve Officer

Date: _____

Officer/Reserve Officer

Date: _____



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: RAY GILMORE, DIRECTOR, PLANNING AND BUILDING
SUBJECT: FIRST READING -- DEVELOPMENT AGREEMENT ORDINANCE
DATE: OCTOBER 20, 1999

BACKGROUND/INTRODUCTION

The Gig Harbor Planning Commission has recommended adoption of a proposed development agreement ordinance for the City of Gig Harbor. The ordinance is based upon the guidelines established under RCW 36.70B.170 through .210, which authorizes local governments to enter into development agreements with property owners. In essence, a development agreement serves as a method of achieving a performance-based review and approval of a project, resulting in a more predictable outcome for the property owner and the City.

Additionally, the process employed would place the City Council in the role of approving any development agreement, upon a recommendation of the Hearing Examiner.

POLICY ISSUES

Development agreements are authorized by state statute. The ordinance would be administered under Title 19 GHMC.

FISCAL IMPACT

There would not be any fiscal impact to the city in the implementation or administration of this ordinance.

RECOMMENDATION

This is the first reading of the ordinance. Following a second reading, the staff recommends adoption of the ordinance establishing a development agreement process for the City.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR RELATING TO LAND USE AND ZONING, ADOPTING A NEW CHAPTER 19.08 IN THE GIG HARBOR MUNICIPAL CODE, DESCRIBING THE ELEMENTS OF AGREEMENT FOR THE DEVELOPMENT OF PROPERTY WITHIN THE CITY LIMITS AND THE CITY'S URBAN GROWTH AREA BOUNDARIES, THE PROCEDURES FOR REVIEW AND APPROVAL OF SUCH AGREEMENTS, ENFORCEABILITY, FORM AND RECORDATION.

WHEREAS, Sections 501 and 506 of Chapter 347, Laws of 1995, describe the City's authority to enter into agreements with property owners for the development of property; and

WHEREAS, the city wishes to adopt a uniform procedure for the processing and approval of development agreements in conjunction with other City permits or approvals; therefore,

WHEREAS, two public hearings were held by the Planning Commission on May 20, 1999 and July 29, 1999 to receive input from the community on proposed amendments to Title 19 intended to address respective to development agreements; and,

WHEREAS, the City sent copies of the proposed amendments to Chapter 17 to DCTED as per WAC 365-195-620(1) and RCW 36.70A.106.

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.08 is hereby adopted, to read as follows:

**CHAPTER 19.08
DEVELOPMENT AGREEMENTS**

19.08.010	Authority and General Provisions
19.08.020	Development Standards Application
19.08.030	Enforceability
19.08.040	Approval of Development Agreement
19.08.050	Recordation

19.08.010 Authority and General Provisions

A. The execution of a development agreement is a proper exercise of city police power and contract authority. The City may consider, and enter into, a development agreement with a person having ownership or control of real property within the City limits. The City may consider a development agreement for real-property outside of the city limit but within the urban growth area (UGA) as part of a proposed annexation or a service agreement. The development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of real property for the duration of the specified period.

B. A development agreement shall be consistent with the applicable policies and goals of the City of Gig Harbor Comprehensive Plan and applicable development regulations.

19.08.020 General Provisions of Development Agreements

A. As applicable, the development agreement shall specify the following:

1. Project components which defines and details the allowable uses, residential densities, commercial or non-residential area floor area;
2. Location of buffers, landscaping or open space;
3. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
4. Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;
5. Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;
6. Provisions for affordable housing, if applicable;
7. Parks and common open space;
8. Review procedures and standards for implementing decisions;
9. Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation or standard.

B. As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

19.08.030 Enforceability

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the City after the execution of the agreement must be consistent with the development agreement.

19.08.040 Approval Procedure of Development Agreement

A development agreement shall be processed in accordance with the procedures established in Title 19 of the GHMC. The Hearing Examiner's decision on a development agreement is a recommendation to the Gig Harbor City Council. A development agreement shall only be approved by ordinance of the Gig Harbor City Council.

19.08.050 Form of Agreement, Council Approval, Recordation

A. **Form.** All development agreements shall be in a form provided by the City Attorney's office. The City Attorney shall approve all development agreements prior to consideration by the City Council.

B. **Term.** Development agreements may be approved for a maximum period of five (5) years.

C. **Recordation.** A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the city.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR, Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

CITY CLERK, Molly Towslee

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 10/22/99
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

SUMMARY OF ORDINANCE NO. __

of the City of Gig Harbor, Washington

On the _____ day of _____, 199____, the City Council of the CITY OF GIG HARBOR, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR RELATING TO LAND USE AND ZONING, ADOPTING A NEW CHAPTER 19.08 IN THE GIG HARBOR MUNICIPAL CODE, DESCRIBING THE ELEMENTS OF AGREEMENT FOR THE DEVELOPMENT OF PROPERTY WITHIN THE CITY LIMITS AND THE CITY'S URBAN GROWTH AREA BOUNDARIES, THE PROCEDURES FOR REVIEW AND APPROVAL OF SUCH AGREEMENTS, ENFORCEABILITY, FORM AND RECORDATION.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 199_____.

CITY CLERK, Molly Towslee

FILED WITH THE CITY CLERK: 10/21/99
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH
DATE: October 18, 1999 *DR*
SUBJECT: 2000 TAX LEVY ORDINANCE

INTRODUCTION

This is the first reading of an ordinance setting the 2000 property tax levy.

BACKGROUND

The preliminary assessed valuation for 2000 taxes is \$692,316,259. This is a 12% increase over 1999. Our best estimate of taxes available for 2000 is \$1,059,802. At this levy amount our 1999 property tax rate will be \$1.5780 per thousand. These figures are based upon preliminary numbers, provided by the Pierce County Assessor-Treasurer and are subject to change.

The ordinance also sets excess levy rates for outstanding voted general obligation bonds. Debt service for the 1987 GO Bonds for sewer plant construction is approximately \$100,000 in 2000. The levy needed for debt service in 2000 is \$15,000 or \$0.0219 per \$1,000 assessed valuation.

FINANCIAL

Property taxes are approximately 13% of 2000 General Fund budget.

RECOMMENDATION

Staff recommends adoption of the ordinance after second reading..

CITY OF GIG HARBOR

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2000.

WHEREAS, the City Council of the City of Gig Harbor attests that the City population is 6,405; and

WHEREAS, the City Council of the City of Gig Harbor have properly given notice of the public hearing held October 25, 1999 to consider the City's General Fund revenue sources for the 2000 calendar year, pursuant to RCW 84.55.120; and

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 2000, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington **ORDAINS** as follows:

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 2000, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$692,316,259. Taxes levied upon this value shall be:

The 1999 property tax for collection in 2000 is \$1,059,802 which is an increase of \$59,989 and 6%, in addition to that resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property.

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 2000, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$683,681,570. Taxes levied upon this value shall be:

Approximately \$0.0219 per \$1,000 assessed valuation, producing an estimated amount of \$15,000 for 1987 Sewer Construction General Obligation Bonds Debt Service.

Section 3. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/council and taxes hereby levied shall be collected and paid to

the Finance Director of the City of Gig Harbor at the time and in a manner provided by the laws of the state of Washington for the collection of taxes.

Section 4. This ordinance shall be published in the official newspaper of the city, and shall take effect and be in full force five(5) days after the date of its publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this __ day of ____, 1999.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee
City Clerk

Filed with city clerk:
Passed by the city council:
Date published:
Date effective:

M E M O R A N D U M

To: Gig Harbor Mayor and City Council
From: Carol Morris, City Attorney
Date: October 19, 1999
Subject: Gig Harbor Marina and Arabella's Landing lawsuits

As you know, the Washington State Supreme Court refused to accept review of the Gig Harbor Marina and Arabella's Landing lawsuits, filed against the City by Stanley Stearns. The Court of Appeals has required Stanley Stearns, Judy Stearns, Gig Harbor Marina and Arabella's Landing Marina to pay the City \$5,540.72 in attorneys' fees and \$175.32 in costs related to the Arabella's Landing lawsuit. The Court of Appeals has required the same parties to pay the City \$9,778 in attorneys' fees and \$727 in costs related to the Gig Harbor Marina lawsuit.



City of Gig Harbor Police Dept.
3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-2236

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MITCH BARKER, CHIEF OF POLICE *MB*
SUBJECT: SEPTEMBER INFORMATION FROM PD
DATE: OCTOBER 20, 1999

The September 1999 activity statistics are attached for your review.

The Reserves worked 348.5 volunteer hours in September. This was primarily spent on patrol duties but also included some training hours. One of our Reserve Officers resigned in order to accept a full time police position with the Port of Seattle.

The Marine Services Unit provided 54 hours of patrol time, .5 hour of maintenance, 24 training hours, and 6.5 administrative hours. They were dispatched to 9 calls, conducted 8 marine inspections, and assisted with 1 search and rescue operation.

The patrol boat assisted with the arrival of the HMS Endeavour and MSU staff helped with safety and security at Jerisich Dock during the ship's stay.

The Explorers volunteered 74 hours of service in August. This was split between 36 hours of meetings, 14 hours assistance at the annual Firefighter's Dance, and 24 hours related to the Endeavor visit.



City of Gig Harbor Police Dept.
3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-2236

GIG HARBOR POLICE DEPARTMENT

MONTHLY ACTIVITY REPORT

September 1999

	<u>SEPT</u> <u>1999</u>	<u>YTD</u> <u>1999</u>	<u>YTD</u> <u>1998</u>	<u>%chg:</u> <u>1998</u>
CALLS FOR SERVICE	413	3653	3796	-03
CRIMINAL TRAFFIC	15	174	194	- 10
TRAFFIC INFRACTIONS	65	791	833	+ 5
DUI ARRESTS	5	45	86	- 47
FELONY ARRESTS	13	58	63	- 7
MISDEMEANOR ARRESTS	20	195	153	+ 27
WARRANT ARRESTS	7	85	81	+ 4
CASE REPORTS	121	989	1062	- 06
REPORTABLE VEHICLE ACCIDENTS	16	130	128	+ 1



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH, FINANCE DIRECTOR
DATE: OCTOBER 21, 1999 *DR*
SUBJECT: THIRD QUARTER FINANCIAL REPORT

The quarterly financial reports for the third quarter of 1999 are attached.

Total resources, including all revenues and beginning cash balances, are at 76% of the annual budget. Total revenues, excluding cash balances, are at 53% of the annual budget while total expenditures are at 38%.

General Fund revenues (excluding beginning balance) are ahead of pace at 80% of budget. Sales tax receipts at 83% of budget. At this time it appears that sales tax revenues will exceed our budget of \$2.0 million and come in at about \$2.2 million. Through September license and permit revenues were \$152,000 (83% of budget). The expectation is that these will slightly exceed budget at year-end. The bulk of this can be attributed to building permits and plan checking fees. At this time, it appears the General Fund will meet or exceed total budgeted revenues for 1999.

General Fund expenditures are at 59% of budget. All departments have spent less than 70% of budgeted expenditures.

Street Operating Fund revenues are 25% and expenditures 24% of budget.

Water and Sewer revenues are 72% and 77% of budget. Water expenditures are 54% of budget while Sewer expenditures are 57%. Both Water and Sewer are expected to approach budgeted revenues by year-end. It appears we should be well within our expenditure budget for both the Water and Sewer Funds.

Cash balances are adequate in all funds. Investments outside the State Treasurer's Pool are unchanged from last quarter.

CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF SEPTEMBER 30, 1999

	SPECIAL REVENUE FUNDS								TOTAL SPECIAL REVENUE
	001 GENERAL GOVERNMENT	101 STREET	105 DRUG INVESTIGATION	107 HOTEL - MOTEL	109 PARK ACQUISITION	301 GENERAL GOVT CAPITAL ASSETS	305 GENERAL GOVT CAPITAL IMP	605 LIGHTHOUSE MAINTENANCE	
CASH	\$13,020	\$1,440	\$131	\$694	\$10,253	\$727	\$4,299	\$13	\$17,556
INVESTMENTS	1,785,279	187,902	17,081	90,493	1,637,618	94,817	560,775	1,632	2,590,319
RECEIVABLES	33,819	23,604	-	-	-	-	-	-	23,604
FIXED ASSETS	-	-	-	-	-	-	-	-	-
OTHER	-	-	-	-	-	-	-	-	-
TOTAL ASSETS	\$1,832,119	\$212,947	\$17,212	\$91,187	\$1,647,871	\$95,544	\$565,073	\$1,645	\$2,631,479
LIABILITIES									
CURRENT	\$7,628	\$3,000	-	-	-	-	-	-	\$3,000
LONG TERM	20,640	20,640	-	-	-	-	-	-	20,640
TOTAL LIABILITIES	28,268	23,640	-	-	-	-	-	-	23,640
FUND BALANCE:									
BEGINNING OF YEAR	1,320,841	93,933	14,026	49,503	1,616,325	635,843	446,752	2,035	2,858,418
Y-T-D REVENUES	3,059,442	1,291,607	11,125	68,593	51,816	119,701	118,321	73	1,661,236
Y-T-D EXPENDITURES	(2,576,428)	(1,196,233)	(7,940)	(26,909)	(20,270)	(660,000)	-	(463)	(1,911,815)
ENDING FUND BALANCE	1,803,851	189,307	17,212	91,187	1,647,871	95,544	565,073	1,645	2,607,839
TOTAL LIAB. & FUND BAL.	\$1,832,119	\$212,947	\$17,212	\$91,187	\$1,647,871	\$95,544	\$565,073	\$1,645	\$2,631,479

CITY OF GIG HARBOR
 STATEMENT OF FINANCIAL POSITION
 AS OF SEPTEMBER 30, 1999

	DEBT SERVICE		TOTAL DEBT SERVICE
	203 87 GO BONDS SEWER CONST	208 91 GO BONDS SOUNDVIEW DR	
CASH	\$2,025	\$2,004	\$4,029
INVESTMENTS	264,121	261,429	525,551
RECEIVABLES	7,054	-	7,054
FIXED ASSETS	-	-	-
OTHER	-	-	-
TOTAL ASSETS	\$273,200	\$263,433	\$536,633
LIABILITIES			
CURRENT	-	-	-
LONG TERM	6,168	-	6,168
TOTAL LIABILITIES	6,168	-	6,168
FUND BALANCE:			
BEGINNING OF YEAR	214,911	10,544	225,455
Y-T-D REVENUES	63,735	293,534	357,269
Y-T-D EXPENDITURES	(11,613)	(40,645)	(52,259)
ENDING FUND BALANCE	267,032	263,433	530,465
TOTAL LIAB. & FUND BAL.	\$273,200	\$263,433	\$536,633

CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF SEPTEMBER 30, 1999

	PROPRIETARY							TOTAL PROPRIETARY
	401 WATER OPERATING	402 SEWER OPERATING	407 UTILITY RESERVE	408 89 UTILITY BOND REDEMPTION	410 SEWER CAP. CONST.	411 STORM SEWER OPERATING	420 WATER CAP. ASSETS	
CASH	\$1,399	\$2,402	\$441	\$460	\$5,534	\$794	\$6,996	\$18,025
INVESTMENTS	169,871	300,441	557,543	59,956	722,004	103,315	912,639	2,825,770
RECEIVABLES	129,453	104,258	5,656	1,611,764	1,351	41,629	-	1,894,111
FIXED ASSETS	1,877,723	8,874,791	-	-	63	592,761	-	11,345,338
OTHER	-	-	-	12,573	-	-	-	12,573
TOTAL ASSETS	\$2,178,446	\$9,281,892	\$563,640	\$1,684,753	\$728,952	\$738,499	\$919,634	\$16,095,818
LIABILITIES								
CURRENT	-0	\$782,804	-	\$396,353	-	-	-	\$1,179,157
LONG TERM	32,186	11,695	-	2,365,585	-	12,287	-	2,421,753
TOTAL LIABILITIES	32,186	794,499	-	2,761,938	-	12,287	-	3,600,910
FUND BALANCE:								
BEGINNING OF YEAR	2,080,378	8,281,236	537,866	(749,179)	766,358	645,605	913,085	12,475,350
Y-T-D REVENUES	529,364	717,086	27,324	122,269	192,809	262,805	121,111	1,972,769
Y-T-D EXPENDITURES	(463,486)	(510,935)	-	(450,275)	(230,215)	(182,192)	(114,563)	(1,951,666)
ENDING FUND BALANCE	2,146,260	8,487,394	565,190	(1,077,185)	728,952	726,212	919,634	12,496,457
TOTAL LIAB. & FUND BAL.	\$2,178,446	\$9,281,892	\$563,640	\$1,684,753	\$728,952	\$738,499	\$919,634	\$16,095,818

**CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF SEPTEMBER 30, 1999**

	FIDUCIARY	ACCOUNT GROUPS		
	631 MUNICIPAL COURT	820 GENERAL FIXED ASSET GROUP	900 GENERAL L-T DEBT GROUP	TOTAL ACCOUNT GROUPS
CASH	-	-	-	-
INVESTMENTS	-	-	-	-
RECEIVABLES	-	-	-	-
FIXED ASSETS	-	7,001,954	-	7,001,954
OTHER	-	-	2,307,303	2,307,303
TOTAL ASSETS	-	\$7,001,954	\$2,307,303	\$9,309,256
LIABILITIES				
CURRENT	-	-	-	-
LONG TERM	-	-	2,307,303	2,307,303
TOTAL LIABILITIES	-	-	2,307,303	2,307,303
FUND BALANCE:				
BEGINNING OF YEAR	-	7,001,954	-	7,001,954
Y-T-D REVENUES	72,232			-
Y-T-D EXPENDITURES	(64,056)			-
ENDING FUND BALANCE	-	7,001,954	-	7,001,954
TOTAL LIAB. & FUND BAL.	-	\$7,001,954	\$2,307,303	\$9,309,256

CITY OF GIG HARBOR
 STATEMENT OF FINANCIAL POSITION
 BY FUND TYPE
 AS OF SEPTEMBER 30, 1999

	GENERAL GOVERNMENT	SPECIAL REVENUE	DEBT SERVICE	TOTAL GOVERNMENTAL	PROPRIETARY	FIDUCIARY	ACCOUNT GROUPS	TOTAL ALL FUND TYPES
ASSETS								
CASH	\$13,020	\$17,556	\$4,029	\$34,605	\$18,025	-	-	\$52,630
INVESTMENTS	1,785,279	2,590,319	525,551	4,901,148	2,825,770	-	-	7,726,919
RECEIVABLES	33,819	23,604	7,054	64,478	1,894,111	-	-	1,958,589
FIXED ASSETS	-	-	-	-	11,345,338	-	7,001,954	18,347,291
OTHER	-	-	-	-	12,573	-	2,307,303	2,319,875
TOTAL ASSETS	\$1,832,119	\$2,631,479	\$536,633	\$5,000,231	\$16,095,818	-	\$9,309,256	\$30,405,305
LIABILITIES								
CURRENT	7,628	3,000	-	10,628	1,179,157	-	-	1,189,785
LONG TERM	20,640	20,640	6,168	47,448	2,421,753	-	2,307,303	4,776,504
TOTAL LIABILITIES	28,268	23,640	6,168	58,076	3,600,910	-	2,307,303	5,966,289
FUND BALANCE:								
BEGINNING OF YEAR	1,320,841	2,858,418	225,455	4,404,714	12,475,350	-	7,001,954	23,882,017
Y-T-D REVENUES	3,059,442	1,661,236	357,269	5,077,947	1,972,769	72,232	-	7,122,947
Y-T-D EXPENDITURES	(2,576,428)	(1,911,815)	(52,259)	(4,540,501)	(1,951,666)	(64,056)	-	(6,556,223)
ENDING FUND BALANCE	1,803,851	2,607,839	530,465	4,942,156	12,496,457	-	7,001,954	24,440,567
TOTAL LIAB. & FUND BAL.	\$1,832,119	\$2,631,479	\$536,633	\$5,000,231	\$16,095,818	-	\$9,309,256	\$30,405,305

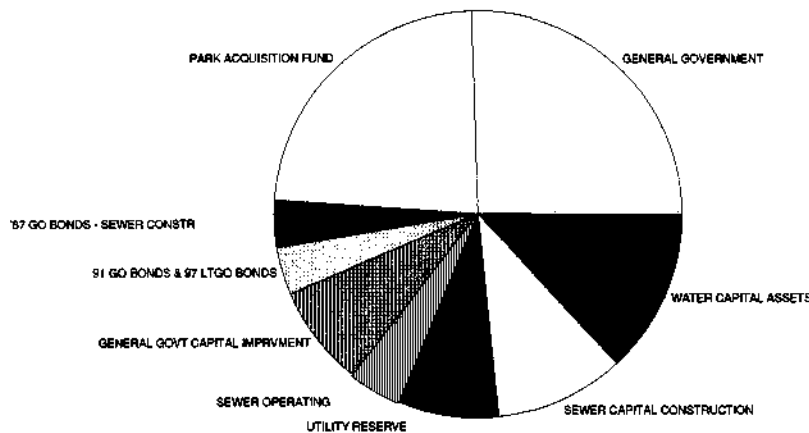
**CITY OF GIG HARBOR
CASH AND INVESTMENTS
YEAR TO DATE ACTIVITY
AS OF SEPTEMBER 30, 1999**

FUND NO.	DESCRIPTION	BEGINNING BALANCE	REVENUES	EXPENDITURES	OTHER CHANGES	ENDING BALANCE
001	GENERAL GOVERNMENT	\$1,397,222	\$3,059,442	\$2,576,428	(\$81,937)	\$1,798,300
101	STREET FUND	137,590	1,291,607	1,196,233	(43,622)	189,342
105	DRUG INVESTIGATION FUND	14,089	11,125	7,940	(63)	17,212
107	HOTEL-MOTEL FUND	49,503	68,593	26,909	-	91,187
109	PARK ACQUISITION FUND	1,616,325	51,816	20,270	-	1,647,871
203	'87 GO BONDS - SEWER CONSTR	214,025	83,735	11,613	-	266,146
208	91 GO BONDS & 97 LTGO BONDS	10,544	293,534	40,645	-	263,433
301	GENERAL GOVT CAPITAL ASSETS	635,843	119,701	660,000	-	95,544
305	GENERAL GOVT CAPITAL IMPRVMENT	446,752	118,321	-	-	565,073
401	WATER OPERATING	159,414	529,364	463,486	(54,022)	171,270
402	SEWER OPERATING	115,080	717,086	510,935	(18,388)	302,843
407	UTILITY RESERVE	530,660	27,324	-	-	557,984
408	UTILITY BOND REDEMPTION FUND	388,422	122,269	450,275	-	60,416
410	SEWER CAPITAL CONSTRUCTION	748,364	192,809	230,215	16,581	727,539
411	STORM SEWER OPERATING	20,225	262,805	182,192	3,272	104,109
420	WATER CAPITAL ASSETS	961,698	121,111	114,563	(48,613)	919,634
605	LIGHTHOUSE MAINTENANCE TRUST	2,035	73	463	-	1,645
631	MUNICIPAL COURT	-	72,232	64,056	(8,176)	-
801	CLEARING CLAIMS	-	-	-	-	-
		<u>\$7,447,793</u>	<u>\$7,122,947</u>	<u>\$6,556,223</u>	<u>(\$234,968)</u>	<u>\$7,779,549</u>

**COMPOSITION OF CASH AND INVESTMENTS
AS OF SEPTEMBER 30, 1999**

	MATURITY	RATE	BALANCE
CASH ON HAND			\$300
CASH IN BANK		1.490%	52,330
LOCAL GOVERNMENT INVESTMENT POOL		4.889%	6,826,919
FEDERAL HOME LOAN BANK	11/26/02	5.755%	100,000
FEDERAL HOME LOAN BANK	09/10/03	6.060%	300,000
FEDERAL HOME LOAN MTG CORP CPN	03/08/04	6.300%	300,000
FEDERAL NATL MTG ASSN MED TERM NOTE	03/12/04	6.000%	200,000
			<u>\$7,779,549</u>

Ending Cash Balances By Fund

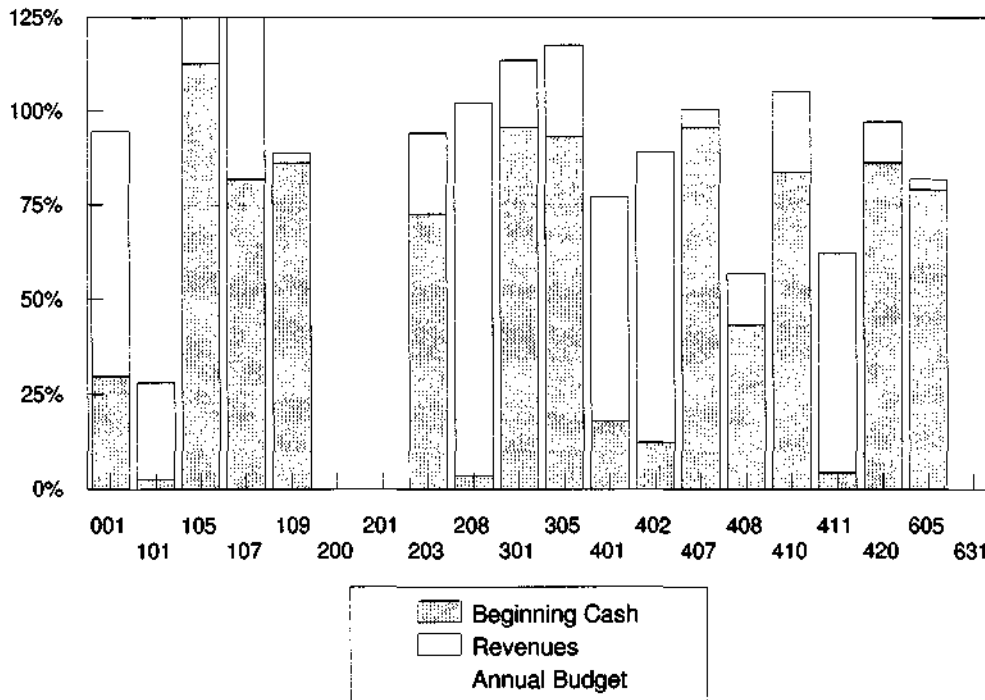


Smaller balances are excluded from chart

**CITY OF GIG HARBOR
YEAR-TO-DATE RESOURCE SUMMARY
AND COMPARISON TO BUDGET
FOR PERIOD ENDING SEPTEMBER 30, 1999**

FUND NO.	DESCRIPTION	ESTIMATED RESOURCES	ACTUAL Y-T-D RESOURCES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
001	GENERAL GOVERNMENT	\$4,713,941	\$4,456,664	\$257,277	94.54%
101	STREET FUND	5,080,500	1,429,197	3,651,303	28.13%
105	DRUG INVESTIGATION FUND	12,500	25,215	(12,715)	201.72%
107	HOTEL-MOTEL FUND	60,500	118,096	(57,596)	195.20%
109	PARK ACQUISITION FUND	1,875,000	1,668,141	206,859	88.97%
203	'87 GO BONDS - SEWER CONSTR	295,000	277,759	17,241	94.16%
208	91 GO BONDS & 97 LTGO BONDS	297,500	304,079	(6,579)	102.21%
301	GENERAL GOVT CAPITAL ASSETS	665,000	755,544	(90,544)	113.62%
305	GENERAL GOVT CAPITAL IMPROVEMENT	480,000	565,073	(85,073)	117.72%
401	WATER OPERATING	891,500	688,778	202,722	77.26%
402	SEWER OPERATING	933,037	832,167	100,870	89.19%
407	UTILITY RESERVE	555,000	557,984	(2,984)	100.54%
408	UTILITY BOND REDEMPTION FUND	898,500	510,691	387,809	56.84%
410	SEWER CAPITAL CONSTRUCTION	893,500	941,173	(47,673)	105.34%
411	STORM SEWER OPERATING	456,448	283,030	173,418	62.01%
420	WATER CAPITAL ASSETS	1,115,000	1,082,809	32,191	97.11%
605	LIGHTHOUSE MAINTENANCE TRUST	2,575	2,108	467	81.87%
631	MUNICIPAL COURT	-	72,232	(72,232)	NA
		\$19,225,501	\$14,570,741	\$4,654,760	75.79%

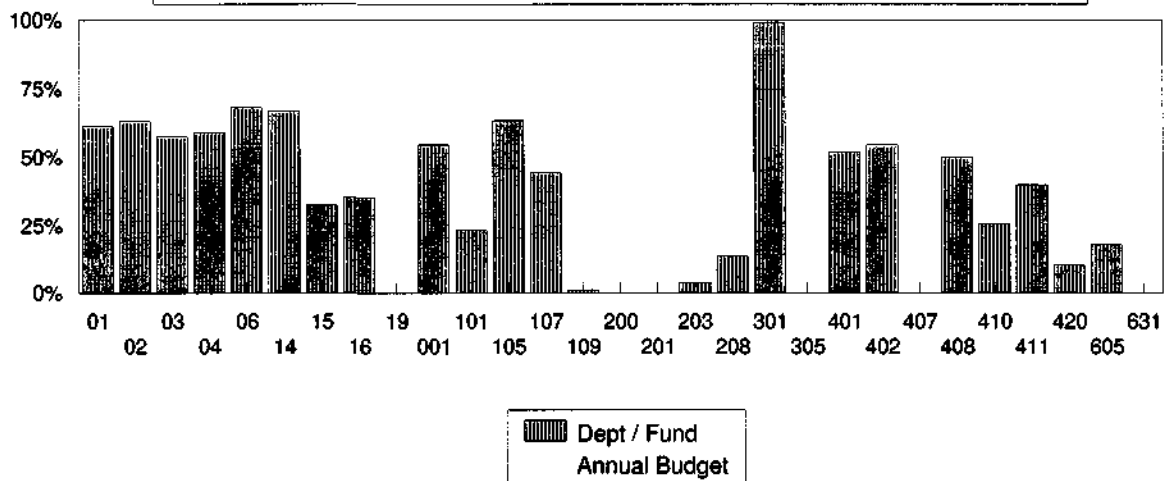
Resources as a Percentage of Annual Budget



**CITY OF GIG HARBOR
YEAR-TO-DATE EXPENDITURE SUMMARY
AND COMPARISON TO BUDGET
FOR PERIOD ENDING SEPTEMBER 30, 1999**

FUND NO.	DESCRIPTION	ESTIMATED EXPENDITURES	ACTUAL Y-T-D EXPENDITURES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
001	GENERAL GOVERNMENT				
01	NON-DEPARTMENTAL	\$858,100	\$527,613	\$330,487	61.49%
02	LEGISLATIVE	30,150	19,063	11,087	63.23%
03	MUNICIPAL COURT	297,430	171,150	126,280	57.54%
04	ADMINISTRATIVE/FINANCIAL	550,988	325,633	225,355	59.10%
06	POLICE	1,367,918	933,169	434,749	68.22%
14	COMMUNITY DEVELOPMENT	521,850	348,874	172,976	66.85%
15	PARKS AND RECREATION	634,295	207,092	427,203	32.65%
16	BUILDING	123,770	43,834	79,936	35.42%
19	ENDING FUND BALANCE	329,440	-	329,440	-
001	TOTAL GENERAL FUND	4,713,941	2,576,428	2,137,513	54.66%
101	STREET FUND	5,080,500	1,196,233	3,884,267	23.55%
105	DRUG INVESTIGATION FUND	12,500	7,940	4,560	63.52%
107	HOTEL-MOTEL FUND	60,500	26,909	33,591	44.48%
109	PARK ACQUISITION FUND	1,875,000	20,270	1,854,730	1.08%
203	'87 GO BONDS - SEWER CONSTR	295,000	11,613	283,387	3.94%
208	91 GO BONDS & 97 LTGO BONDS	297,500	40,645	256,855	13.66%
301	GENERAL GOVT CAPITAL ASSETS	665,000	660,000	5,000	99.25%
305	GENERAL GOVT CAPITAL IMPROVEME	480,000	-	480,000	-
401	WATER OPERATING	891,500	463,486	428,014	51.99%
402	SEWER OPERATING	933,037	510,935	422,102	54.76%
407	UTILITY RESERVE	555,000	-	555,000	-
408	UTILITY BOND REDEMPTION FUND	898,500	450,275	448,225	50.11%
410	SEWER CAPITAL CONSTRUCTION	893,500	230,215	663,285	25.77%
411	STORM SEWER OPERATING	456,448	182,192	274,256	39.92%
420	WATER CAPITAL ASSETS	1,115,000	114,563	1,000,437	10.27%
605	LIGHTHOUSE MAINTENANCE TRUST	2,575	463	2,112	17.99%
631	MUNICIPAL COURT	-	64,056	(64,056)	NA
		\$19,225,501	\$6,556,223	\$12,669,278	34.10%

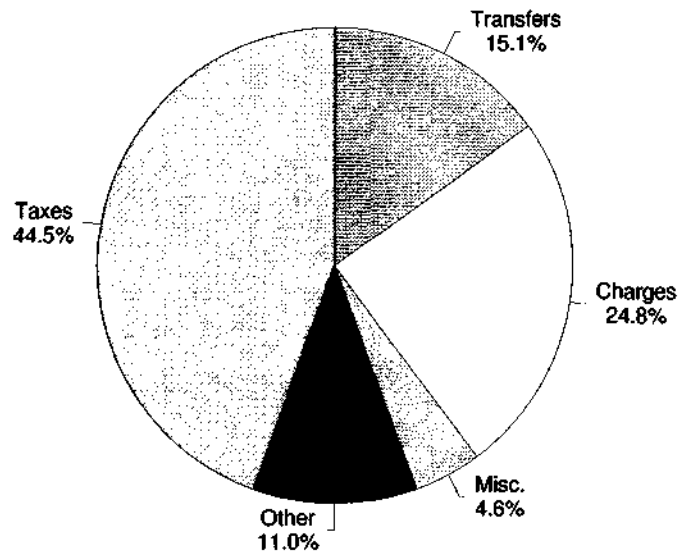
Expenditures as a Percentage of Annual Budget



**CITY OF GIG HARBOR
YEAR-TO-DATE REVENUE SUMMARY
BY TYPE
FOR PERIOD ENDING SEPTEMBER 30, 1999**

<u>TYPE OF REVENUE</u>	<u>AMOUNT</u>
Taxes	\$3,170,620
Licenses and Permits	152,835
Intergovernmental	361,370
Charges for Services	1,768,425
Fines and Forfeits	89,285
Miscellaneous	325,717
Non-Revenues	182,540
Transfers and Other Sources of Funds	1,072,156
Total Revenues	7,122,947
Beginning Cash Balance	7,447,793
Total Resources	\$14,570,741

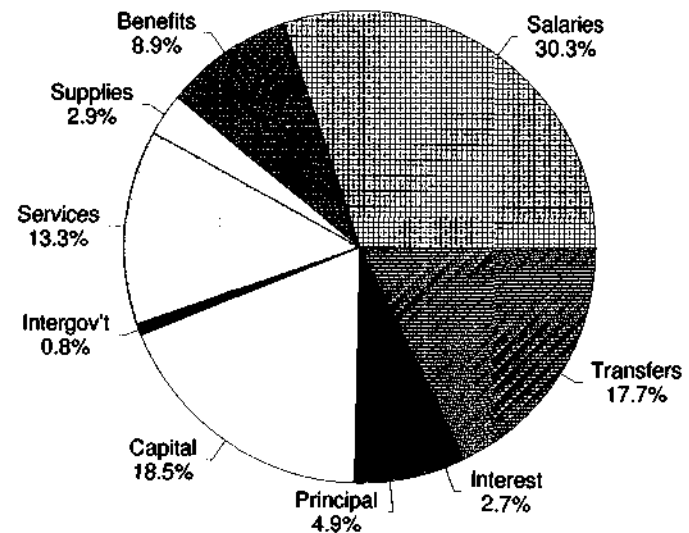
Revenues by Type - All Funds



**CITY OF GIG HARBOR
YEAR-TO-DATE EXPENDITURE SUMMARY
BY TYPE
FOR PERIOD ENDING SEPTEMBER 30, 1999**

<u>TYPE OF EXPENDITURE</u>	<u>AMOUNT</u>
Wages and Salaries	\$1,985,927
Personnel Benefits	581,756
Supplies	188,562
Services and Other Charges	873,754
Intergovernmental Services and Charges	52,156
Capital Expenditures	1,210,809
Principal Portions of Debt Payments	324,478
Interest Expense	178,056
Transfers and Other Uses of Funds	1,160,727
Total Expenditures	6,556,223
Ending Cash Balance	7,779,549
Total Uses	\$14,335,772

Expenditures by Type - All Funds



Mayor Gretchen Wilbert
City Administrator Mark Hoppen
Gig Harbor City Council Members
3105 Judson St.
Gig Harbor, WA 98335

October 29, 1999

Dear Mayor Wilbert, Mr. Hoppen and Gig Harbor City Council Members,

My name is Judy Olsen and I am a resident in the Cedarcrest neighborhood. I am writing to express my opposition to the proposed land swap between Mr. Jim Tallman and Pierce County. As you are aware, this transaction is intended to result in a four-plex sports field on the corner of 46th and Hunt. Mr. Hoppen states in his October 13th letter to Mr. McComas that "...one outright and permitted use, with the consensus of all parties in 1995, is publicly owned parks and playgrounds." This is true. What is not true, however, is that the proposed development meets the definition of 'park or playground'. I believe this to be an obvious manipulation of zoning codes in an attempt to gain something 'free' for the city. The ball fields that are being suggested will pose far too large an impact in traffic, noise and lighting for a predominantly residential community. It is a highly inappropriate proposition for the use of that land.

In addition to the above, I am opposed to the land swap itself. It seems ludicrous that the county would consider such a deal a fair and equitable trade. Again, in Mr. Hoppen's letter to Mr. McComas, he refers to the Fairfax property as 'inaccessible and low value'. I challenge all of you to take the time to visit Fairfax Forest. It is neither of the above-mentioned. It is perhaps under-appraised and under-appreciated. The huge sum of money that the county will pay to develop the 18 acres in Gig Harbor could easily be put into paving the road and creating trails in Fairfax. Thus creating a much larger and more versatile park for all county citizens.

I ask that you would look at this issue through the eyes of county citizens, as well as my neighbors and myself. It provides a much different picture than the one you are seeing as City officials. I can certainly understand the appeal of the county handing the city a free piece of property. However, it is shortsighted to see this as a benefit to the community. In addition to the impact on the surrounding areas, it is certain to become a financial drain to the city. I cannot foresee the revenue from such a facility outweighing the maintenance costs. It is my hope that you will give this matter serious consideration between now and the County Council hearing on November 2nd. Thank you so much for your time.

Sincerely,



Judy Olsen
4417 69th St. Ct. NW
853-7001
olsentjah@harbornet.com



TACOMA POWER

3628 South 35th Street
Tacoma, Washington 98409-3192

TACOMA PUBLIC UTILITIES

October 18, 1999

City Clerk
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98335

Dear Sirs or Madame:

Subject: Notice of Adoption of Resolution No. 538 for Creation of Local Improvement District
Location: East-West Road, Canterwood Boulevard, Burnham Drive
Reference: Your Notification Letter undated and received October 14, 1999

This letter is in response to the City of Gig Harbor's Notice of Adoption of Resolution No. 538 for Creation of Local Improvement District. The property identified in the notice (Parcel No. 0222303003) is owned by Tacoma Power as part of the Cushman Hydroelectric Project, which is federally regulated. The proposed LID project would provide no special benefits or services for Tacoma Power. Therefore, Tacoma Power would elect not to participate in the Local Improvement District.

It should be further noted that if the City of Gig Harbor is considering the use of Tacoma Power's property that such requests be coordinated through the Real Estate Management Office.

If there are any further questions regarding this matter, please call me at 253.502.8256.

Sincerely,

Ted Lyons
Real Estate Manager

THL738rm