

REGULAR GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 23, 1995

PRESENT: Councilmembers Picinich, Owel, Markovich, Platt, Ekberg, and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION:

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich voiced his concerns over the Darrah property and asked if Council had taken any steps to protect the City's interest to assure the fines and violations would be addressed before the property was sold. Ray Gilmore, Planning Director, explained to Mr. Bujacich that Mr. Darrah had until April, 1996 to comply. Councilman Markovich asked that Carol Morris, legal counsel, review the documentation and take steps to file a lien on the property if appropriate. Ms. Morris will return with information at the next City Council meeting.

PUBLIC HEARINGS:

Ray Gilmore introduced these proposed changes to the Gig Harbor Municipal Code reflecting recommendations from the Planning Commission and staff to implement changes in the Comprehensive Plan of 1994, and to satisfy requirements of the Growth Management Act and Regulatory Reform Act.

1. Amendments to Title 17 of the GHMC (Zoning Code) Mayor Wilbert opened the public hearing for this item at 7:10 p.m.

Peter Katich - 3509 Ross Avenue. Mr. Katich spoke in favor of the changes to section 17.48, specifically the section which places a 3,500 s.f. limitation for non-residential structures in the Waterfront Millville District and the limit of height increase of up to 24 feet to one structure if two amenities are provided. He encouraged Council to support and approve these amendments.

Bob Frisbie - 9720 Woodworth Avenue. Mr. Frisbie said he had several items to discuss. First, he suggested that reference to tele-communication transmission and relay facilities as a conditional use permit be removed, due to modern technology allows for these systems to be located almost anywhere. He then added that limiting the square footage in the Waterfront Millville District would amount to a taking and that this issue could be dealt with in a different manner taking into consideration all the conditions of a lot, such as multiple parcels. He then added that the existing height ordinance is better than what is proposed with these amendments. He said the height overlay system works and the proposed amendment allowing additional height will have a negative impact on views. He concluded by suggesting that Council establish a bounty program similar to the one that the Department of Ecology uses to allow interested parties to make money by going to court with agreements or violations that the City chooses not to enforce.

Jim Kelly - 13606 26th Ave. NW. Mr. Kelly introduced himself as the attorney representing PNA. He spoke about a memo addressed to Council and the Mayor regarding their

opposition against any large shopping centers that would destroy the small town atmosphere. He added that PNA supports the proposed amendments to section 17.32 through 17.48 of the zoning code.

As there were no further requests to speak on Title 17, the Mayor closed the public testimony portion of the public hearing for Title 17 of the Municipal Code at 7:31 p.m. and opened the public hearing on Title 16 - Subdivision Code.

2. Amendments to Title 16 of the GHMC (Subdivision Code). Ray Gilmore gave a brief introduction to the proposed revisions to the Subdivision Code so that it conforms to the State Code. He added that it is an attempt to address affordable housing.

There were no comments from Council or the public, so Mayor Wilbert closed the public hearing on this item at 7:34 and opened the public hearing on Title 19.

3. New Title 19 of the GHMC (Land Use Development Permits Administrative Procedures). Ray Gilmore introduced Title 19 - Land Use Development Permits Administrative Procedures, as a new addition to the code. He said it is a direct attempt to comply with the Regulatory Reform Act. He added that the five tier system should streamline the permitting process and attempts to integrate the current permitting process with SEPA, and briefly outlined several of the new requirements.

There were no comments from the Council or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:37 and opened the public hearing on Title 17.10 - Hearing Examiner.

4. New Chapter 17.10 (Hearing Examiner - replaces current Chapter 17.10). Ray Gilmore again said this proposed amendment ties to Regulatory Reform and clarifies the process the Hearing Examiner uses for the public hearing process and establishes the role the examiner plays in the public hearing and appeal process.

There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:40 and opened the public hearing on Title 17.15 - Public Institutional Zoning District Standards.

5. New Chapter 17.15 (Public Institutional Zoning District Standards). Ray Gilmore introduced this ordinance establishing a new zoning district. He said this zoning designation is intended to provide for publicly owned facilities, located mostly in the urban growth area, but also within city limits.

There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:43 and opened the public hearing on Title 17.45 - Employment Zoning District Standards.

6. New Chapter 17.45 (Employment Zoning District Standards) Ray Gilmore said this zoning district was intended to designate employment areas to provide for the location of major employment opportunities as recommended by the Planning Commission. He added this

chapter would define permitted uses which would be allowed and allowed as conditional uses, and outlines a set of performance standards.

There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:45 and opened the public hearing on Title 17.65 - Special Use Permits.

7. New Chapter 17.65 (Special Use Permits) Ray Gilmore introduced this new addition to the code to cover situations that are not defined in the current code. He added that this section is proposed to address unusual situations such as special events or promotions, and usually with a limited duration for the permit.

There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:47 and thanked Ray for all his hard work on these items.

8. Revenue Sources - 1996 General Fund Budget. Mayor Wilbert opened the public hearing on this item at 7:48 and introduced Tom Enlow, Finance Director. Tom explained that new legislation this year required that the city hold a public hearing so the public can have the opportunity for input on revenue sources for next year's General Fund Budget, specifically potential property tax increases. He added that because the city shares its property tax revenues with the public library and fire district, property taxes cannot be increased without a vote from the citizens. There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing on this item at 7:49.

CALL TO ORDER: 7:50 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the October 9, 1995 meeting as presented.
Picinich/Platt - unanimously approved.

CORRESPONDENCE:

None.

OLD BUSINESS:

1. Viacom Cable TV Franchise "Change of Ownership" - Second Reading of Ordinance. Mark Hoppen explained that this was the second reading of the ordinance and that the confusing language had been removed.

MOTION: Move approval of Ordinance No. 698.
Markovich/Picinich - unanimously approved.

2. Fire District #5 Emergency Operation Center - Request for Water Contract. Mark Hoppen

introduced the contract that was drafted with assistance from legal counsel for extension of water to the Fire District Emergency Operations Center, and explained the costs to be incurred by the City. He suggested changing language in Section 2, paragraph B to read "The District will pay all permit fees other than City Fees." He explained that the reason for this language change was that the district should be accountable for a State Health Department fee of \$2,500.

MOTION: Move we accept the contract with the following change: "The District will pay all permit fees other than City Fees."
Picinich/Owel - unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinances: Mayor Wilbert introduced each one of the following ordinances proposing changes to the Municipal Code, and asked for Council's comments or questions on each item.

A. Amendments to Title 17 of the GHMC (Zoning Code). Councilmember Platt asked for clarification on 17.28.020, mobile/manufactured home parks. Mr. Gilmore explained that any mobile home would have to be approved as a subdivision, and not allowed as an outright use on an individual lot.

Councilmember Owel commented that the language under 17.16.070 should be clarified, as the existing language implies that all structures must be built to the 35 foot height rather than the 35 feet being a permitted maximum height.

Councilmember Markovich suggested that because of the substantial changes to the zoning code, that everyone look very closely at the changes over the next two weeks and discuss the proposed amendments.

B. Amendments to Title 16 of the GHMC (Subdivision Code). No comments were mentioned.

C. New Title 19 of the GHMC (Land Use Development Permits Administrative Procedures). No comments were mentioned.

D. New Chapter 17.10 (Hearing Examiner - replaces current Chapter 17.10). Councilmember Markovich commented that this seemed to be delegating all responsibility to the Hearing Examiner for most of the decisions, and he felt that this should be discussed before adopting this amendment. Carol Morris said that the Regulatory Reform Act gives Council the option to delegate the responsibility for making final decisions to the Hearing Examiner, but that the Council can keep the responsibility if they choose to. She added that an open record public hearing must be held if Council chooses to make their own decision on a matter. She offered to go through the proposed amendments and footnote each particular type of decision so that Councilmembers can see what your options are. Councilmember Markovich said that would be helpful as he is not comfortable with delegating Council's obligation completely in every area to the Hearing Examiner.

- E. New Chapter 17.15 (Public Institutional Zoning District Standards). No comments.
 - F. New Chapter 17.45 (Employment Zoning District Standards) No comments.
 - G. New Chapter 17.65 (Special Use Permits) No comments.
2. Hearing Examiner Recommendation: SPR94-05/VAR95-08/CUP94-06) - Arabella's Landing Office Building.
- a) Appeal of Hearing Examiner's Decision on CUP94-06 - R. Frisbie, appellant
 - b) Appeal of Hearing Examiner's Decision on CUP 94-06 - P. Katich, appellant
 - c) Appeal of Hearing Examiner's Decision on VAR 94-05 and CUP 94-06 - Stan Stearns.

Mayor Wilbert introduced this agenda item and asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. Councilmember Markovich said he had a brief conference phone conversation with Mr. Sloan and Mr. Oldfield where they voiced their disappointment in the progress of the permit process. He added that this conversation would not have any affect on his impartiality on the project. No further comments regarding ex-parte communications were received.

Steve Osguthorpe gave a history of the proposal to add retail/office space and a new building to house a yacht club at 8215 Dorotich Street. He gave an overview of the Hearing Examiner's decision to approve the Conditional Use Permit with conditions, the recommendation to deny the parking variance and site plan, and the three appeals arising from these recommendations. He briefly explained each of the three appeals, the first from Mr. Katich appealing the conditional use permit approval; the second by Mr. Frisbie, appealing the conditional use permit and variance denial, and the final appeal by Mr. Stearns to the Conditional Use Permit and variance denial.

Councilmember Markovich asked if the 24 foot height of the building was requested by a variance. Mr. Osguthorpe explained that it was a "height allowance" because of the two amenities provided by Mr. Stearns during construction of Arabella's Landing. He added that staff's interpretation of the code allowed for these two amenities to be considered for the entire site rather than by proposed project. Councilmember Picinich commented that he thought each structure should be considered separately, and Councilmember Owel read an excerpt from Resolution No. 395 regarding the specificity of the conditions for Arabella's Landing, and asked if this resolution had been submitted to the Hearing Examiner for consideration during the hearing. Mr. Osguthorpe answered that it had not and that it was staff's opinion that the project met the criteria set forth in the resolution. Councilman Picinich added that he though the resolution had merit and should have been submitted.

Mayor Wilbert thanked Mr. Osguthorpe and announced that the appellant and applicant would be allowed 15 minutes each for oral testimony and stressed that no new testimony or evidence was to be presented.

Bob Frisbie- 9720 Woodworth Avenue. Mr. Frisbie stated his concerns that the Hearing Examiner had acted inappropriately by conditioning the Conditional Use Permit to allow its approval if the applicant were to revise the site plan and added that the CUP should not have been approved until a revised site plan had been submitted. He asked Council not to remand the site plan back to the Hearing Examiner but to hold their own hearing to get all the facts on the table before making a final judgement.

Peter Katich - 3509 Ross Avenue. Mr. Katich said he was representing himself and his wife Elizabeth, Jake and Pat Bujacich, Bruce and Linda Dishman, Clark and Nancy Eaton, and Adam and Sherry Ross Jr. He said all these people lived in close proximity of the proposed project. He added that the Hearing Examiner had erred in his decision to approve the Conditional Use Permit, and had grossly underestimated the impact this facility would have on their mostly residential neighborhood, if allowed to be built. He said that the notification of the proceedings was inadequate, leaving little time to research and respond to the application. He proposed a new public hearing be held with proper public notice.

Tom Oldfield - attorney on behalf of the applicant, Stan Stearns. Mr. Oldfield said he wanted to emphasize that the real issue in question was the lack of adequate parking, and that the building could be built as designed if utilized as an office or marine sales. He said he disagreed with the Hearing Examiner and the staff in their interpretation of the parking requirements and that is why the decision was being appealed. He answered Councilmember's questions about the yacht club membership requirements, bylaws, moorage and the guest privileges for using the club facilities. He requested that rather than deny the conditional use permit if Council determined that the parking is inadequate, that they remand it back to the Hearing Examiner for additional consideration to amend the site plan for specific usage.

Councilman Markovich said the Hearing Examiner could not approve a conditional use permit when it does not meet the criteria set forth in the code. Councilmember Picinich said that the project only provided 71% of the required parking stalls. Councilmember Platt said that the proposed project did not meet with the City's Comprehensive Plan for medium usage in that area.

MOTION: Move we deny the Conditional Use Permit in accordance to criteria in section 17.64.040 of the Gig Harbor Municipal Code for the approval of Conditional Uses.
Picinich/Owel - unanimously approved.

Councilmember Picinich again said that the project did not provide the required parking stalls. Councilman Markovich said the site did not meet the criteria to demonstrate its uniqueness to qualify for a variance.

MOTION: Move we accept the Hearing Examiner's decision in regards to denying VAR 95-08.
Picinich/Platt - unanimously approved.

Councilmember Ekberg said he disagreed with staff's interpretation on the additional height. Councilmember Markovich said he also was unclear on this height allowance in exchange for amenities and referred to Resolution No. 395 when the first height allowance was given on that piece

of property. He added that the site plan could not be approved when the required parking is not available. Carol Morris pointed out that Resolution No. 395 was not part of the Hearing Examiner's record and Council could not make any decisions based on that document. She advised that a decision could be based upon Councilmember Markovich's statement at the initial portion of the hearing that the Hearing Examiner's decision did not demonstrate that the code requirements were met, or the site plan could be remanded to the Hearing Examiner for additional consideration on the height, and at that time Resolution No. 395 could be introduced for review. Councilman Markovich said he did not recommend remanding the site plan to the Hearing Examiner because there was sufficient basis to make a determination to deny the site plan; first, that the use is not permitted and second, the required parking is not available.

MOTION: Move the request for approval of site plan SPR-94-05 be denied.
Markovich/Picinich - unanimously approved.

A brief recess was announced by Mayor Wilbert.

3. 1996 Tax Levy Ordinance - First Reading. Tom Enlow announced that the preliminary assessed valuation for 1996 taxes is \$340,315,401, which represents a 4% increase over 1995. He added that the best estimate for taxes available is \$550,000, a 4.3% increase and stressed that this assessed valuation is not final. He explained that the County Assessor's office recommends requesting well over the amount expected to receive. He added that this ordinance also sets excess levy rates for outstanding G & O bonds. This ordinance will be back at the next council meeting for a second reading.
4. Request to Purchase Utility Management Software. Tom Enlow explained that Council approved this purchase in the 1995 Budget with the stipulation that the specific purchase be approved. He said that the City of Mercer Island and Bainbridge Island had recently conducted requests for information for proposals, and gave a brief overview of their findings and expenditures for their utility software. He explained the advantages to retaining the existing EDEN System and upgrading the software at a cost of \$13,260 with an additional maintenance fee of \$638.

MOTION: Move we authorize the purchase of utility management accounting system software.
Ekberg/Markovich - unanimously approved.

MAYOR'S REPORT:

None.

STAFF REPORT:

Tom Enlow - Quarterly Finance Report. Mr. Enlow said that sales taxes were a concern in previous quarters but were up above 75%, water revenues had rebounded very well, and cash balances appear adequate and added that he doesn't expect any further budget amendments. He said that the first 1996 preliminary budget is ready to be picked up for review.

Lt. Bill Colberg - GHPD. Lt. Colberg said October had been a busy month. He added they had made several drug arrests and had been able to put \$8,000 into the drug fund. He gave a brief report on several burglaries, an increase in DWIs, and vehicle prowls/thefts. He said several officers and Explorers were planning to attend the funeral of the recently slain deputy in Tacoma. He then thanked Gig Harbor Ford for the '95 Ranger Pickup that had been donated to the DARE program.

ANNOUNCEMENT OF OTHER MEETINGS:

None.

APPROVAL OF BILLS:

MOTION: Move approval of warrants #14880 through #14953 in the amount of \$177,675.99.
Picinich/Ekberg - unanimously approved.

EXECUTIVE SESSION: Cancelled.


ADJOURN:

MOTION: Move to adjourn at 9:32 p.m.
Markovich/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 401 Side A 253 - end.
Tape 401 Side B 000 - end.
Tape 402 Side A 000 - end.
Tape 402 Side B 000 - end.
Tape 403 Side A 000 - 399.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 13, 1995

PRESENT: Councilmembers Picinich, Owel, Markovich, Platt, Ekberg, and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION:

Nick Tarabochia Jr. - 2788 Harborview Drive. Mr. Tarabochia spoke on behalf of the beach home owners. He explained that the Health Department had told the homeowners that they must find an alternative to disposing of their sewage or have their homes condemned. He gave a brief history of the beachhomes and added that out of the 19 homes, only two were full-time residences. Mr. Tarabochia said that in 1975-76, during the original ULID for the city, the beach homes were included in the legal description, but for one reason or another, they were not included in the actual construction. He said that because they were left out of the original ULID, and because of that fact, they have been put in this situation by the Health Department, they were entitled to help from the city in addressing this problem. He added that the homeowners had met with the Mayor to investigate alternatives and found that the economic impacts are immense. He said that most of the alternatives are inconsistent with the area, and impractical. He said the homeowners, as taxpayers, are asking the city to help with engineering, obtaining grants, and any other help available.

Council asked Ben Yazici, Public Works Director, if he was aware of the problem. Ben explained he had discussed the issue with the Mayor, and due to the remote location of the properties, he suggested that the most logical solution would be for the homeowners to connect with the city sewer. He told council that he had recommended that the homeowners hire an engineer to prepare a preliminary report and cost estimate. He said that after an engineering report was submitted, and with Council's blessing, a ULID could be formed to assist them in financing. He added that the cost of design and construction of the system could be included in the ULID costs. He told Councilmember Picinich that the preliminary engineering cost to determine a few alternatives would be about \$1,000.

Mr. Tarabochia asked what their rights were as citizens, considering these homes had been left out of the original ULID. Councilmember Platt asked if these homes had been assessed for the ULID. Mr. Tarabochia said they were not assessed but were part of the legal description. He said that they had talked to the city at that time and had been told that the city had chosen not to include them at that time.

Councilmember Ekberg said he appreciated the homeowner's concerns, and had just this evening received the memo from Mayor Wilbert concerning this issue, and had not had time to review the information. He added that he would like staff to research the issue to determine the path to pursue.

Mark Hoppen, City Administrator, said that there were no beach improvements articulated in the original ULID even though they were included in the legal description. Consequently, they were not assessed and did not receive services. He added that at the time of the public hearings for the ULID, homeowners from the Ridgeway Avenue area, which was not included in the original plans, came forward asking Council to be included, and were added to the ULID. He said that

no one from the beachhomes came forward and requested to be included.

Mayor Wilbert advised Mr. Tarabochia that after the staff had a chance to review the information, the item would be brought back as an agenda item.

Jim Boge - 6606 Soundview Drive. Mr. Boge first thanked Councilmember Markovich for not utilizing political signage during his campaign. He then asked for clarification on construction signage. He explained that he had come before Council over a month ago asking for this information, but to date, he had not received any contact on this issue. Steve Osguthorpe, Planning Associate, explained that he had a casual conversation with Mr. Boge on his concerns that the construction signs are more for advertising the construction company than the project, and added that he hadn't had a chance to speak to legal counsel about the definition in the code.

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich offered his services for any meetings regarding the beach homes, as he was Mayor at the time the ULID was formed, and could offer insight into why the homes were not connected at the time. He said that the code stated that any home located over 200 feet from the line would not be required to hook up. He said all the facts were there, all Council would have to do is research it.

Carol Morris, the City's legal counsel from Ogden Murphy & Wallace. Ms. Morris advised Council on her progress on Mr. Bujacich's request at the last council meeting to research the Darrah enforcement proceedings. She explained that the city's files had been archived with her own, and she will report at the next council meeting.

PUBLIC HEARINGS:

Mayor Wilbert opened the Public Hearing on the First Reading of the Proposed 1996 Budget Ordinance at 7:20 p.m. Tom Enlow, Finance Director, explained that this proposed budget represents an 8% overall decrease from the 1995 budget, primarily due to the completion of the wastewater treatment plant construction, and that the general fund is proposed to increase by 19% due to increases in the ending fund balance and increased police expenditures. He announced the budget worksession on November 20th and that copies of the preliminary budget would be made available to the public on request.

Mayor Wilbert introduced Nancy Watkins, from the Tacoma-Pierce County Visitor & Convention Bureau. She added that Nancy was present to speak about the budget, and passed her packet of information around to Councilmembers.

Ms. Watkins explained that her bureau is requesting financial support in the amount of \$2,500 for 1996. She said this is the first time they have approached the city for support and in the past have promoted tourism in the Gig Harbor area, increasing the cash flow into the city. She pointed out the picture on the front of their visitor's guide, a photograph of the harbor at sunset, and gave a brief description of the upcoming events to promote the area, including a brochure that would include Gig Harbor events and a Pierce County restaurant guide that would include several of the local restaurants. She added that she works closely with Gordon Wolfheil at the Chamber of Commerce and that the Visitor & Convention Bureau had donated \$1,000 to handle local events. She encouraged Council's support in her request.

Mayor Wilbert closed the public hearing portion of the first reading of the budget ordinance at 7:38 p.m.

CALL TO ORDER: 7:39 p.m.

STAFF REPORT:

Ben Yazici, Public Works Department. Mark Hoppen explained that this was to be Ben Yazici's last council meeting with the City of Gig Harbor before going to work for University Place. He said that he had asked three things of Ben before he left, one, to present the Wollochet Heights extension request, two, to complete the contract on the North Harborview Drive Project, and three, come as close as possible to completion of the Wastewater Treatment Plant Expansion project. He said that Ben had come very close to accomplishing all these goals. Mark added that Ben was one of the most professional people he has had the pleasure to work with, and wherever he goes he carries a professional ethic with him that is a model for all.

Ben thanked Mark and gave a brief history of the year's projects. He added that he had invited four of his staff members who were instrumental in accomplishing the objectives during the year. He introduced Bill Irey, Wastewater Treatment Plant Supervisor, Dave Brereton, Public Works Supervisor, Tom Quinlan, Construction Inspector, and Maureen Whitaker, Public Works Assistant, and thanked them for all their hard work.

Mayor Wilbert read the letter from Dennis Ingham, Assistant Secretary for the Department of Transportation commending the City Engineer and his staff for their professional management of the North Harborview Drive project. The letter stated that when the city has filled the city engineer position, they would be more than happy to interview the City for future CA status.

Mark Hoppen added that because the Public Works Department was able to act as a certified agency, approximately \$130,000 was able to be spent on other aspects of the project.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the October 23, 1995 meeting as presented.
Picinich/Platt - unanimously approved.

CORRESPONDENCE:

Tacoma-Pierce county Visitor & Convention Bureau. This item was covered under the budget public hearing.

OLD BUSINESS:

1. Second Reading of Ordinances:
 - A. Amendments to Title 17 of the GHMC (Zoning Code).
 - B. Amendments to Title 16 of the GHMC (Subdivision Code).
 - C. New Title 19 of the GHMC (Land Use Development Permits Administrative Procedures).
 - D. New Chapter 17.10 (Hearing Examiner - replaces current Chapter 17.10).

- E. New Chapter 17.15 (Public Institutional Zoning District Standards).
- F. New Chapter 17.45 (Employment Zoning District Standards).
- G. New Chapter 17.65 (Special Use Permits).

Ray Gilmore explained that due to the failure of Referendum 48, that Council had more time to act on these ordinances. He suggested another public hearing on the 27th of November due to the reformatting of the ordinances. Councilmember Markovich agreed with the opportunity to take more time to review the changes and proposed a worksession for Council and Staff to meet and discuss these changes more thoroughly. Councilmember Ekberg agreed. Several members of the audience signed up to comment on the changes, and because it was not published as a public hearing, the following motion was made.

MOTION: Move we accept public comment on this issue.
Platt/Picinich - unanimously approved.

Paul Cyr - representing a client in city limits. Mr. Cyr shared his client's concerns regarding the permitted uses for RB-2 under the new code amendment, Section 17.30.020. He said there was no provision, even with a conditional use permit, for a hotel/motel project. He asked for consideration for a project of this type in the amendment of this section. His second issue noted was that Gig Harbor is an employment area and should consider allowing clean, high tech industry to locate here. He said the maximum gross floor condition could arbitrarily limit these functions. He asked that a range or density with buffering and landscaping be considered in lieu of a maximum gross floor designation.

Rick Gagliano - 8607 58th Ave. NW - Mr. Gagliano explained that he is the current Chairman of the Gig Harbor Design Guidelines Technical Committee. He added that the committee had been preparing documents that would coordinate with the amendments proposed by the Planning Commission and said they had completed an analysis of height options and it's effects. He presented these options to Ray Gilmore to pass on to the Planning Commission to use as a tool to help in the decision making process. He said that the committee had spent considerable time working on guidelines in the context of the new amendments, and have a lot of information and input if allowed to participate in any workshops, if appropriate. He stressed that the committee's ultimate goal was for all documents to coincide. Mayor Wilbert thanked the Technical Committee for all their hard work, assured him that all information presented would be considered by the Council before any final decisions were made.

David Fisher - 5715 Wollochet Drive - Mr. Fisher introduced himself as an architect practicing outside the city limits on primarily residential homes. He passed out a letter to Councilmembers, then read the contents. His concerns were that by limiting the square footage of businesses, existing businesses would not be allowed to grow, and therefore would relocate outside the area, and new businesses would be discouraged from coming in. He said that planning should be approached with positive growth goals to encourage business to locate here to allow people who live here to work here.

Peter Katich - 3509 Ross Avenue - Mr. Katich said he had spoken previously in favor of the maximum floor area requirement for commercial development, but that after hearing the other speakers, that he would have to slightly modify his position. He said balance must be considered

in residential areas such as the Millville designation, to preserve the character and allow development to occur and business to prosper. He encouraged Council to maintain the 3,500 sq. ft. limit on buildings in the Millville as proposed, and allow additional business development activity in other zoning districts that could provide for those opportunities without impacting sensitive areas.

Jack Bujacich - 3607 Ross Avenue - Mr. Bujacich voiced his concerns that a Design Guidelines Committee could dictate what could be built in Gig Harbor, and especially when they don't even live in the City. The Mayor explained the make-up of the technical committee to Mr. Bujacich and why they were chosen. Steven Osguthorpe explained that the committee will come to an end in December, and then the Planning Commission will consider their recommendations, and hold several public hearings on the items. He told Mr. Bujacich that the Technical Committee meetings were open to the public, and that he was welcome to attend the Planning Commission's public hearings.

No other members of the audience came forward to speak. Mayor Wilbert asked for Councilmember's comments.

Councilmember Owel mentioned she had several housekeeping items that had been put into memo form for review. Councilmember Markovich suggested this would be a good time to schedule the worksession where all the input could be considered. A time for a worksession was scheduled for Monday, December 4th at 6:00 p.m. Ray Gilmore suggested the Planning Commission be present for a joint meeting and it was agreed upon.

2. 1996 Tax Levy Ordinance - Second Reading. Tom Enlow introduced the second reading of this tax levy ordinance. He explained that he was following the assessor's recommendation to request well over what is expected to receive in order to receive the maximum amount of taxes under the limit, without final valuation information. He added that the ordinance also sets excess levy rates for outstanding general obligation bonds.

MOTION: Move to adopt Ordinance 699.
Markovich/Ekberg - unanimously approved.

NEW BUSINESS:

1. Insurance Bid for PRISM - Steve Feltus, Broker, Bratrud Middleton. Mark Hoppen introduced Steve Feltus, who explained the insurance renewal proposal from Bratrud Middleton Insurance and answered questions. There were many unanswered questions regarding the comparison between the proposal from Association of Washington Cities and the proposal from Bratrud Middleton. Councilmember Markovich stated that before he makes a decision, he would like to know what appropriate liability coverages would be, and what risks are covered under both policies. Councilmember Ekberg said he would be reluctant to drop below a five million dollar liability limit.

MOTION: Move to defer any discussion or final action until Mark can obtain an adequate comparison of the coverage and premium for consideration.
Ekberg/Picinich - unanimously approved.

Mayor Wilbert announced that item number six, Professional Services Contract for Biosolids Mixing Facility Design, under new business, was to be removed from the agenda.

2. Resolution - Arabella's Landing. Steve Osguthorpe explained that on October 23rd, Council denied approval of the site plan, appeal of a parking variance, and the conditional use permit for this project and directed legal counsel to reflect these decisions in a resolution. Mayor Wilbert read the title of the Resolution at the audience's request.

MOTION: Move to adopt Resolution No. 456.
Markovich/Ekberg - unanimously approved.

3. Final Plat - Westbrook Glen. Steve Osguthorpe explained that although his memo to Council recommends approval of the final plat, the copy of the Quit Claim Deed that was submitted was inadequate and has advised the applicant, Ed Dorland that the approval needs to be continued until an adequate quit claim deed has been submitted and the legal description verified by the Public Works Department. The applicant asked to speak.

Ed Dorland - 2219 9th St. Ct. NW - Mr. Dorland gave a history of the submittal process and voiced his disappointment that things had been delayed. He said he would have had the correct information if he'd been told originally what was needed. He asked if Council could approve the final plat on condition that he submits the appropriate documentation to prevent from having to wait an additional two weeks until the next council meeting.

MOTION: Move we approve the Westbrook Glen subdivision subject to the legal department's review of the Quit Claim and the Public Works Directors review of the legal description and all necessary documents be provided.
Ekberg/Markovich - unanimously approved.

4. Wollochet Harbor Sewer District Sewer Request. Ben Yazici presented this request from the Wollochet Harbor Sewer District to treat their sewerage at the city's treatment plant. He explained that they are currently under a Department of Ecology enforcement order to provide secondary treatment for the 66 lots within their jurisdiction and described the project. He read the conditions to be placed upon the extension, and added that this request meets the conditions of the City's Emergency Utility Extension Ordinance. He said that there would be no operational increases related to this extension, and that due to the revenue from accepting this sewerage, the project would have a positive financial impact on the sewer utility.

Councilman Platt said he didn't think this situation fits the emergency ordinance criteria because it is an 11% cost reduction, not an emergency. He said he disagreed that it would not encourage additional development and compared the extension with the Peninsula High School sewer extension. Mark Hoppen explained that he believed the request satisfied the conditions of the ordinance and compared this request with the extension of a pressurized line to the new Goodman Middle School, where no additional hook-ups are allowed. Ben Yazici introduced Tony Vivola from Gray and Osborne, who developed the plan for this project for the Wollochet Harbor Sewer District to answer questions.

Mr. Vivola described the long process that had been performed to try and find a solution to the problem, and several of the options that had been explored. He added that they are currently discharging into Wollochet Bay, and explained that building their own treatment plant, presuming that all the appropriate permits could be obtained, that an EIS could be completed and that DNR leases could be approved, would cost far greater than the estimated cost to extend a line to the City.

Councilmember Platt voiced concerns about other neighborhoods wanting to hook on to the line at a later date. Ben Yazici said that if these neighborhoods met all the criteria of the emergency ordinance, were willing to build and own the line, and it would not involve the city in any cost, then they would be allowed to apply in the same manner. Mr. Vivola assured Council that this issue could be addressed through the agreement with the city and that their only concern was to serve the existing 66 lots. He answered questions about how they proposed to maintain the line and apply for additional funding.

Mayor Wilbert asked if they had explored hauling options and if they planned on working with the County, which has the area listed on its Six-Year Transportation Plan. He explained that hauling presented its own set of problems such as a heavy vehicle in the neighborhood and where to take the sewage. He said that the option was very expensive. He added that when a final choice is made, they will complete their planning documents, which will be used as a funding tool to align with the County to obtain support.

Councilmember Markovich said that he didn't see any problem with helping with this request, and that it would be similar to Hemley's bringing their sewage into the treatment plant, which was explored as a revenue source in the past. Councilmember Platt said that due to the cost, it would make more sense for them to pursue building their own plant and try to obtain other customers. Councilmember Owel said she didn't have strong feeling for or against, and on an environmental level supports it, but that she could understand Councilmember Platt's concerns for the future.

Mr. Vivola explained that due to ecological concerns, he didn't think it would be a viable alternative to build their own treatment plant and named several drawbacks to siting an outfall in Wollochet Harbor. He added that the current site would not tolerate the drainage from a plant, and said that staffing concerns to man a treatment plant 24 hours a day also doesn't make it a viable option.

Councilman Ekberg said he didn't like to extend outside the Urban Growth Boundary, unless there is an existing development in trouble. He said that if there were no add-ons allowed, he would be willing to consider the project with tight restraints. He agreed that with them being charged one and a half times the city's rates, it would be an economic benefit to the City. Councilmember Picinich also said that he agreed with this. Councilmember Ekberg asked legal counsel to draw up a contract defining all the concerns.

MOTION: Move that the City Attorney draft an outside City Limits Capacity Commitment Agreement with the Wollochet Sewer District to provide sanitary sewer utility service to 66 sewer district lots. The agreement should contain all of the conditions stated in the memorandum, should be drafted by

the city attorney for consistency with the Emergency Utility Extension Ordinance, and should conform to pertinent portions of the city's existing standard outside sewer service contract. This contract should be returned to Council for review and approval at a subsequent council meeting.
Owel/Markovich -

AMENDED MOTION: Amend the motion so that the last line reads "This contract *shall* be returned..." instead of *should* be returned.
Ekberg/Owel-

AMENDED MOTION: Amend the motion to include that the district is to pay the one and one-half times, outside city limits rate.
Picinich/Ekberg - four voted in favor. Councilmember Platt voted against.

5. Professional Services Contract Amendment - North Harborview Drive Project. Ben Yazici presented this request to amend the contract with Inca Engineers and explained the circumstances which led to the increase of \$2,435.27, which was mostly incurred to save money on the construction side of the project.

MOTION: Move to authorize the Mayor to sign an amendment to Inca Engineers contract by increasing the total contract amount by \$2,435.27, from \$34,939.45 to \$37,374.72.
Markovich/Picinich - unanimously approved.

6. Treatment Plant Construction Change Order No. 2. Ben Yazici explained that they are ready to close the Wastewater Treatment Plant Construction project and requested Council to approve Change Order #2 in the amount of \$14,158.90 for changes needed to assure proper operation of the plant. He added that he anticipated one more change order to follow to address a few pay items that are still in negotiation.

MOTION: Move to authorize the Public Works Director to approve the Wastewater Treatment Plant Expansion Project Change Order #2 in the amount of \$14,158.90.
Picinich/Ekberg - unanimously approved.

Ben thanked Council for the opportunity that has been given him over the last five and a half years. He said it has been a great career advancement opportunity with many challenges. He said he appreciated the trust given him to undertake a project that had never been demonstrated in this Country, namely the thermophilic digester. He added that he had made many friends in the community over the years.

Mayor Wilbert thanked Ben for all he had accomplished over the years and added that everyone involved with the City recognizes that it was Ben's leadership, talent, skill, and mind that made it all possible.

MAYOR'S REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Annual District #7 Meeting of Pierce County Council - Gig Harbor City Hall, December 12, 1995 at 7:00 p.m.
2. Budget Workshop - City Hall, Monday, November 20, 1995 at 6:00 p.m.
3. Zoning Code Workshop - City Hall, Monday, December 4, 1995 at 6:00 p.m.

APPROVAL OF BILLS:

MOTION: Move approval of warrants #14954 through #15054 in the amount of \$134,255.69.
Platt/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of payroll warrants #11815 through #11928 in the amount of \$170,098.58.
Platt/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 10:12 for the purpose of discussing claims and property acquisition for approximately 15 minutes.
Ekberg/Owel - unanimously approved.

MOTION: Move to return to regular session at 10:27 p.m.
Markovich/Ekberg - unanimously approved.

MOTION: Move to deny the claim of Darlene Taylor in the amount \$1,023.43.
Platt/Owel - unanimously approved.

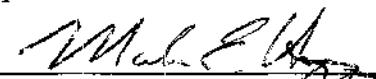
ADJOURN:

MOTION: Move to adjourn at 10:34 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 403 Side B 000 - end.
Tape 404 Side A 000 - end.
Tape 404 Side B 000 - end.
Tape 405 Side A 000 - end.
Tape 405 Side B 000 - end.
Tape 406 Side A 000 - 401.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 27, 1995

PRESENT: Councilmembers Picinich, Owel, Markovich, Platt, Ekberg, and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARINGS:

Mayor Wilbert opened the Second Public Hearing on the Proposed Zoning Code Changes at 7:07 p.m. Ray Gilmore gave a brief overview of the additional changes.

Thomas Oldfield - representing Stan Stearns. Mr. Oldfield commented on several issues. He said that the proposed 20 foot setbacks in an area that currently allows 10 foot setbacks, and the 35' height reduction in non-residential property seem to be targeting Arabella's Landing, as it is the only large, undeveloped site in the area. He added that the 3,500 sq. ft. per lot language is not clear and asked that a defined term be used such as 3,500 per *platted lot* or *site* be used instead. He then spoke to the height allowance requirement that two amenities be provided, one water view and one water access opportunity. He said this whole section is unconstitutional and that these amenities are not minor things. He said that section should be left as is, where the owner must provide view and access amenities per site - not per structure. He then asked that the sharing of off-street parking be expanded to allow usage in the Waterfront Millville zone also. In summary, he urged Council to leave the ten foot setback on Harborview Drive in the Waterfront Millville area for commercial, not to impose the 3,500 sq.ft. limit and finally, to leave the height restriction as is.

Paul Cyr - representing Fred & Dorothy Stroh. Mr. Cyr asked for zoning change consideration on the property owned by Mr. & Mrs. Stroh just outside city limits, from RB-2 to Commercial / Business. Ray Gilmore explained that there are no zoning designation changes for outside city limits proposed in the changes to the zoning code. He told Mr. Cyr that in the first part of 1996 the Planning Commission would be considering zoning changes and that these concerns should be brought back at that time. Mr. Cyr then asked that under the RB-2 zone, hotel/motels be added as an allowable use or as a conditional use.

Rick Gagliano - 8607 58th Ave. NW. Mr. Gagliano passed out a proposed text amendment to the height restrictions proposed in the code changes. He emphasized that this language was not an excerpt from the Design Guideline Technical Committee, and that the Committee is in favor of the ability to go above the 16' height limit on a case by case consideration. He added that the height considerations should be more site specific and apply to the downtown business area as well as residential.

Tom Oldfield. Mr. Oldfield said he wanted to make one correction to his comments. He said that he was mistaken about the 10 foot setback being proposed to be changed to 20 feet.

Mayor Wilbert closed the second public hearing portion of this agenda item at 7:39 p.m. She then opened the second public hearing on the Proposed 1996 Budget Ordinance at 7:40 p.m. Tom Enlow, Finance Director, gave a brief introduction and overview of the changes since the last public hearing. No one came forward to speak on the budget, and Mayor Wilbert closed the public hearing portion of the proposed budget ordinance at 7:41 p.m.

CALL TO ORDER: 7:41 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the October 23, 1995 meeting with corrections. Markovich/Platt - unanimously approved.

CORRESPONDENCE:

Wollochet Harbor Sewer District. No presentation was made on this letter thanking the Mayor and City Council for time taken to consider the requested sewer extension.

OLD BUSINESS:

1. **Third Reading of Ordinances:**

- A. Amendments to Title 17 of the GHMC (Zoning Code).
- B. Amendments to Title 16 of the GHMC (Subdivision Code).
- C. New Title 19 of the GHMC (Land Use Development Permits Administrative Procedures).
- D. New Chapter 17.10 (Hearing Examiner - replaces current Chapter 17.10).
- E. New Chapter 17.15 (Public Institutional Zoning District Standards).
- F. New Chapter 17.45 (Employment Zoning District Standards).
- G. New Chapter 17.65 (Special Use Permits).

Ray Gilmore explained that this was the third reading of ordinances amending the Municipal Code, and that no action would be taken until the next council meeting, when the ordinances would be re-introduced for a first reading. He announced the Council Worksession to be held Monday, December 4th at 6:00 p.m.

2. **Insurance Bid Comparison.** Mark Hoppen explained that Council had requested him to bring back a more comprehensive comparison of insurance coverage, which was included in the packet. He said that Councilmember Ekberg had been very helpful and could answer any questions regarding the coverage. Councilmember Ekberg said he agreed with staff's recommendation to stay with the PRISM coverage, but in June or July set up a review process of available coverages.

MOTION: Move to continue the PRISM insurance for one year and approve the Reliance proposed premium for '95-'96 of \$47,475, and direct staff to present a comprehensive comparison of alternative insurance possibilities for '96-'97, involving both private and pool insurers.
Ekberg/Markovich - unanimously approved.

3. **Second Reading of the 1996 Budget Ordinance.** Tom Enlow introduced the second reading and recommended adoption the budget.

MOTION: Move adoption of Ordinance No. 700 adopting the 1996 Budget.
Markovich/Picinich - unanimously approved.

4. Resolution for Approval of Final Plat - Westbrook Glen. Ray Gilmore presented this resolution granting preliminary plat approval for this project and added that all the pending actions had been resolved.

MOTION: Move approval of Resolution No. 457 approving the final plat for Westbrook Glen. Picinich/Markovich - unanimously approved.

NEW BUSINESS: Mayor Wilbert announced that item number two of new business, Utility Management Software License, had been taken off the agenda.

1. SPR 95-03 - Mallards Landing Office Park. Steve Osguthorpe introduced this proposed two-phase project to construct a 25,500 square foot office building in Phase I and a 4,200 square foot office building during Phase II at the northwest corner of the Wollochet Interchange. He explained that a wetland park would be developed with each phase and dedicated to the City per the concomitant zoning agreement subject to the property annexation. He added that the resolution approving the site plan contained the same strict conditions as recommended in the Hearing Examiner's report.

Mayor Wilbert said that the students and teachers in the Peninsula Schools were very interested in this area and had used the property to create a study lab. She recommended that the wetland be kept as natural as possible to facilitate these study groups.

Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues.

Councilmember Owel said she had received a call from Kae Patterson, Planning Commission member, asking what the building would look like when observed from the pond. Mayor Wilbert added that she had been contacted by Science Teachers from Peninsula School District regarding the study program. Councilmember Ekberg said he also had been contacted by Kae Patterson, asking where the item was on the council agenda, and asking that the school program be considered. Councilmember Platt then added that he too had been contacted by Kae Patterson asking for consideration of buffering of the buildings from the pond.

Carol Morris, Legal Counsel, asked if all parties that had been contacted could remain impartial in their decision making. Each Councilmember and Mayor Wilbert answered that they could remain impartial.

Mayor Wilbert then asked if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There were no challenges from the audience.

Dave Freeman, architect and representative for the applicant, answered questions from the Council and staff regarding the project.

Geoff Moore, agent for the applicant, answered questions regarding the wetlands park area. He explained the proposal to remove the existing alder trees and replace them with other species. He said that alders can pose a maintenance problem. Councilmember Picinich voiced concerns about the number of fir trees being removed for the project and asked for clarification.

MOTION: Move for adoption of Resolution No. 458 approving the site plan subject to the same conditions recommended by the Staff.
Picinich/Platt -

Councilmember Ekberg said he would like to see the final landscape plan presented to the Council for final approval. He made the following amendment to the motion.

AMENDMENT TO THE MOTION: Move to amend the resolution under condition number 7 to read: "Prior to building permit issuance, a final landscaping plan shall be submitted to and approved by the *City Council* for both the parkland and private areas of development...", and to eliminate the last sentence in that section.
Ekberg/Owel - unanimously approved.

Ray Gilmore suggested an additional finding for Council's consideration to be inserted to include three conditions for meeting the criteria for approval of the site plan. Mayor Wilbert asked if any Councilmember would like to amend the motion.

AMENDMENT TO THE MOTION: Move to amend the motion to include the following language to be inserted before the last WHEREAS to read: "WHEREAS the site plan meets the criteria for the approval of the site plan pursuant to Chapter 17.96.030 as follows: 1) That it is compatible with the City's Comprehensive Plan, 2) that it is compatible with the surrounding building's occupancy and use factors, and 3) that it is consistent with applicable standards of the zoning code, Title 17 of the Gig Harbor Municipal Code."
Owel/Platt - unanimously approved.

Carol Morris said that Condition #20 was unclear and might not be enforceable. Mr. Gilmore explained that the condition, placed by Ben Yazici, was based upon a letter from the Department of Transportation regarding payment by the project for future improvements to the on and off ramps for Highway 16. He added that the DOT had not responded in a timely manner in the request for comments on the project.

AMENDMENT TO THE MOTION: Move we remove Condition No. 20 from the Resolution.
Picinich/Owel - unanimously approved.

Mayor Wilbert re-stated the original motion for consideration.

ORIGINAL MOTION: Move for adoption of Resolution No. 458 approving the site plan subject to the same conditions recommended by the Staff, with amendments.
Picinich/Platt - unanimously approved.

2. Utility Extension Request - Tom Torrens. Mark Hoppen introduced the request by Tom and Nancy Torrens to extend the water line recently approved for the Fire District on Bujacich Road to their property on Sehmel Road. Mark added that the proposed extension is consistent with the City's Comprehensive Water Plan. He suggested two modifications to the City's standard water extension contract, one to add the language "and is within the City's Urban Growth Area" to the second WHEREAS, and to amend Section 12-A to read: "The use of the property will be restricted to uses allowed Pierce County SPR 12-93. He introduced the applicant, Mr. Torrens.

Tom Torrens - 4210 64th St. NW. Mr. Torrens explained that the requested water service was for fire-flow requirements by Pierce County, and that the studio would be served by a private well.

Councilmember Ekberg asked who would be responsible to see that the applicant complies with Section 12B of the contract requiring the development to comply with city regulations and standards. Mark Hoppen explained that the plans had been reviewed by staff and that it substantially complies.

Councilmember Platt asked how this project furthers the City's Comprehensive Water Plan. Mark answered that the Comp Plan calls for the waterline to eventually hook into the line on Burnham drive, completing a looped line.

Councilmember Owel asked the applicant why it had taken him so long to submit a request for the water line extension when the site plan had been approved for quite some time. Mr. Torrens explained that he had been waiting for the result of the Fire District's request for extension. He answered Councilmember Ekberg's questions about signage and explained that the studio wanted to remain "low profile".

MOTION: Move we extend the water system to Mr. Torrens in accordance to his applicant with changes to the second WHEREAS and Section 12A.
Markovich/Ekberg - unanimously approved.

3. Renewal of Chamber of Commerce Lease.

MOTION: Move to table this agenda item until after Executive Session.
Ekberg/Platt - unanimously approved.

4. Special Occasion Liquor License - North American Gymnastics Booster. No action taken.

MAYOR'S REPORT: None.

COUNCIL COMMENTS:

Councilmember Markovich asked about the progress of the City's 50th Anniversary Celebration. Mayor Wilbert gave a brief update and explained that Maureen Della Maggiora, Utilities Clerk, had been working on a tentative schedule of events. Councilmember Markovich asked that all the Gig Harbor Service Clubs be kept informed as events were planned so as to coordinate their own events. Mayor Wilbert added that the actual anniversary date is July 24th.

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

Zoning Code Workshop - City Hall, Monday, December 4, 1995 at 6:00 p.m.

APPROVAL OF BILLS:

MOTION: Move approval of warrants #14954 through #15054 in the amount of \$134,255.69.
Platt/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 9:02 p.m. for the purpose of discussing claims and property acquisition and to set a price for city real property for approximately 20 minutes.
Ekberg/Platt - unanimously approved.

Mayor Wilbert came out of Executive Session to announce the Executive Session would take another 20 minutes.

MOTION: Move to return to regular session at 9:40 p.m.
Ekberg/Platt - unanimously approved.

3. Renewal of Chamber of Commerce Lease. Mayor Wilbert invited representatives of the Chamber of Commerce to share their vision for the future of the Chamber.

Rob Orton - 10108 69th Ave. NW. Mr. Orton said he was the Chairman of the Chamber Relocation Committee, which now has become the "they would like to stay where they are" committee. They said the Chamber would like to remain a viable business organization with a good relationship with their local government. He added that they want to remain in the downtown area, but there are not many options. He said that when the City's interest in utilizing the Bogue Building waned, they became interested in securing a long-term residence in that location. He shared that they had an appraisal done and it had been presented to the City and they are still committed to remaining in the building.

Selena Pasin - Past President of the Chamber of Commerce. Ms. Pasin said the Chamber is happy where they are, and would like to be able to stay.

Gordon Wohlfeil - 7921 149th St. NW. Mr. Wohlfeil gave an overview of the Chamber's calendar of usage of the facility by local organizations. He added that the building is serving the community well. He said that approximately 1,000 people come through a month, one-half of the people are looking for a business or someone from the Chamber, 35 - 40% are tourists looking for what to do in Gig Harbor, and the last 10% are looking to relocate to the area and want information.

MOTION: Move we continue the lease with the Chamber of Commerce on a month to month basis, and direct staff to negotiate an agreement for sale of the Bogue Building to the Chamber of Commerce.
Picinich/Owel - unanimously approved.

Carol Morris, legal counsel, gave Council an update on the Darrah enforcement action. She said that the permit was approved by Council in May of 1993, with the condition that stated that the project must be completed within two years of filing of the Shoreline Permit with the Department of Ecology. If the project is not completed by the end of this two year period, the Shoreline Permit shall be considered void and all vessels, structures, uses and expansions not in compliance with this approval, the City Zoning Code, the Uniform Building Code, the Uniform Fire Code, shall be removed or be subject to civil penalties charges. The permit was filed with DOE on May 17, 1994 so under that first condition, any improvements must be completed by May of 1996. She said that the conditions regarding the houseboat no longer pertain as it has been removed.

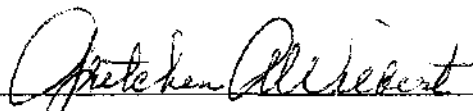
Councilmember Markovich asked if this property wasn't coming before the Hearing Examiner soon. Mark Hoppen answered it was, for consideration for a gas dock.

Ms. Morris said that nothing could be done about placing a lien against the property until May 17, 1996. At that time, if the owner hasn't applied for the permits and received them, then a violation could be issued and any enforcement action necessary could be pursued. She added that the permit was not recorded against the property, and normally permits do run with the property. She said one way to let a future purchaser of the property know of the terms of the conditions is to record the permit to give them notice that the City intends to begin enforcement action after May 17, 1996 if the conditions of the permit had not been met. Councilmember Markovich said that the permit should be recorded.

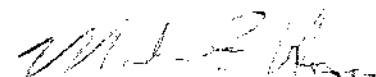
ADJOURN:

MOTION: Move to adjourn at 10:00 p.m.
Ekberg/Picinich - unanimously approved.

Cassette recorder utilized.
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Tape 407 Side A 000 - end.
Tape 407 Side B 000 - end.
Tape 408 Side A 000 - end.
Tape 408 Side B 000 - 169.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF DECEMBER 11, 1995

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

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARINGS:

Gig Harbor North Annexation - Petition for Annexation/Preannexation Zoning. Mayor Wilbert opened the public hearing at 7:09 p.m. and introduced Ray Gilmore, Planning Director, who gave a brief presentation to explain the proposed zoning districts for the annexation area. Mayor Wilbert then opened the floor to members of the audience for comment.

Dave Cunningham - Pope Resources, P.O. Box 1780, Poulsbo, WA. Mr. Cunningham brought an aerial photo with the annexation area outlined to help lend perspective to the information being presented. He explained that Pope Resources owns 320 acres, approximately one-half of the proposed annexation. He added that work began eight years ago for this annexation effort, with the first application being submitted three years ago. He added he was proud of the product that had been generated from combined efforts of Gig Harbor Staff and the applicants. He said it is an unusual opportunity for the City to bring in largely undeveloped acreages and be part of the planning of the area. He said the landowners are willing to pay their fair share of amenities such as water facilities, roads, and parks to make the annexation area successful. He asked Council's approval of the annexation of what would become the City's northern gateway.

Greg Elderkin - Lorigan Enterprises. Mr. Elderkin explained that Lorigan Enterprises had assumed ownership of the Thompson Properties portion of the proposed annexation area. He added that Dave Cunningham had presented the project very well, and everyone had worked very hard to prepare the information before Council. He said he was hopeful that the annexation process could move forward.

Tom Tucci, Tucci & Sons, Inc. Mr. Tucci said his family owned approximately 50 acres in the proposed annexation area. He added that he agreed that Dave had covered most of the necessary points. He said he had been a resident of the area for over 20 years, and was proud to be a part in this project from the beginning. He said he admired the staff for holding firm to issues of importance to the city and was proud of the effort everyone had made.

Don Thompson - 9716 43rd Ave NW. Mr. Thompson said he was representing Avalon Woods, a development bordering Gig Harbor. He said that his neighborhood was very supportive of the annexation and that he had been very active in getting the annexation to where it is today. He said Avalon Woods has everything in place and is eager to move forward as soon as possible. He added that if there was anything they could do to hasten the process, to be sure to let him know.

Councilmember Picinich asked how many existing developments were included in the annexation. Ray Gilmore said that Avalon Woods was the only sizable development, with Hillcrest Mobile Home development as second largest with 65-70 units. He added that there were a couple of smaller ones with whom he was not familiar.

Councilmember Ekberg asked Ray to explain the connecting road from the East-West Road between Woodridge and Canterwood. Ray said that the road had been an idea from the Public Works Director. He added that Pope Resources holds an easement on the property and had been asked to retain that easement for a 12 month period to allow for the City to perform a feasibility study. He added that the road, if found to be feasible, would reduce the necessity of a larger road south of Woodridge and would provide an additional way to access Swede Hill interchange without an added burden on Peacock Hill.

Tom Morfee - PNA, 3803 Harborview Drive. Mr. Morfee said he had reviewed the documents in the PNA file for concerns and gave an overview of these. He reminded Council that PNA had appealed the Environmental Impact Statement filed by Gig Harbor North. The concerns were transportation, parks, open space and the wildlife corridor required by the Growth Management Act, design control, additional impacts on the school system, and the fact that the City did not have an impact fee ordinance. He added that he was looking forward to reviewing the annexation documents in detail. He said he thought the annexation could be a benefit if done right.

Mayor Wilbert closed the public hearing at 7:38 p.m. and announced that the second public hearing for the annexation would be held January 22nd at the regular council meeting.

CALL TO ORDER: 7:39 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the November 27, 1995 meeting as presented.
Picinich/Ekberg - unanimously approved.

CORRESPONDENCE:

1. Tacoma-Pierce County Health Department - Governance Fact Sheet. No report.
2. WSDOT Hearing Schedule- Public Advisory Elections for State Transportation Facilities. No report.
3. Prison Pet Partnership Program. No report.
4. Doug Sutherland, Pierce County Council - Recycling 1995. Mayor Wilbert said she had received information that #1 and #2 plastics can now be recycled and the places where the items could be taken.
5. Puget Sound Regional Council - Vision 2020. Mayor Wilbert said that additional information on this item would be placed in the "reading basket."

PROCLAMATION: National Drunk and Drugged Driving Prevention Month. Mayor Wilbert said the City participates in any effort to reduce our community of abuse of alcohol and drugs.

OLD BUSINESS: None.

NEW BUSINESS:

1. Appeal of Hearing Examiner's Decision on CUP95-09 (Sherry Williams, Marche Cuisine): Robert Frisbie, appellant. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query.

Ray Gilmore gave a history of this appeal of this conditional use permit to expand the deli into the space previously occupied by Bay Realty. He explained that the applicant for the CUP was not requesting any additional seating over the existing 16 indoors and 35 outdoors, and would only be expanding the existing deli into a larger area. Staff recommended approval of the conditional use permit on this basis. He added that the Hearing Examiner had approved the conditional use permit subject to conditions. Mr. Bob Frisbie filed an appeal of the Examiner's decision relating to parking issues. Ray added that each side was allowed 15 minutes of oral testimony, and that no new testimony could be added.

Bob Frisbie - 9270 Woodworth Avenue. Mr. Frisbie passed out a letter to Councilmembers. He read the approval criteria for a conditional use permit, and his comments on how the Hearings Examiner had not satisfied these criteria when he recommended approval of the conditional use permit, specifically in regards to non-compliance and adequate parking. The letter requested Council to overturn the decision of the Hearings Examiner and deny the conditional use permit, for staff to prepare a report for the subject property to establish the grandfathered rights, and that Council take action to have the existing deli seating returned to what was previously approved, 10 inside and 35 outside.

Councilmember Picinich asked for clarification of the floor plan that still showed existing real estate offices Mr. Frisbie had mentioned. Mr. Gilmore assured that the floor plan submitted by Mr. Frisbie was part of the original record.

Dan Wilner - attorney and representative for the applicant. Mr. Wilner said that items 4 and 5 of Mr. Frisbie's testimony were new evidence, he had not had a chance to review this information, and asked whether it was admissible. Carol Morris said that Council should hear Mr. Wilner's presentation and then make a decision after all the information was heard. Mr. Wilner said that Mr. Frisbie is attempting to ask Council to sacrifice a family-owned business over the issue of a lack of downtown parking. He said the application for a conditional use permit was to put in a gas stove and hood in lieu of the existing electric stove, and to expand the existing seating into the Bay Realty area. He assured Council that no additional seating or uses are being proposed, and that the catering business mentioned by Mr. Frisbie had been in existence since Dunlap's owned the deli. He added that the label on the floor plan, which read real estate offices, was a mistake and that the space would be used to do the bookkeeping for the deli. He reviewed the parking conditions and suggested that when Bay Realty went out of business, it resulted in a decrease of 10-12 needed spaces.

Sherry Williams - owner of Marche Cuisine. Ms. Williams said that expanding her business would have no negative impact on the neighborhood. She stressed that when she purchased the business, she did not have prior knowledge of whether or not the additional six seats were approved, as Mr.

Frisbie had suggested. She explained that her customers only stay in the deli on an average of 10-15 minutes, and that she had never had any complaints by neighbors that her patrons were parked in their driveways, and there are often empty spaces at the deli. On the other hand, she said that the surrounding businesses often use her parking spaces. She added that the catering business goes hand in hand with owning a delicatessen, and the work is done at the customers homes, not on-site at the deli. She said her business is part of the neighborhood, and added that joggers use her restrooms, kids wait there for their parents after school, they always have water out for dogs walking along Harborview Drive, they give to charities, and they pay their taxes.

Carol Morris, Legal Counsel, said that because Council had heard conflicting and new testimony that previously wasn't before the Hearing Examiner, that Council should look at the second page of the staff report dated December 11th, where Steve Osguthorpe referred to code sections 17.68.060 and 17.68.070, which are applicable to this project. She added that because section 17.68.070 wasn't specifically considered by the Hearing Examiner, there is no record of any identification of this particular use as a non-conforming use with regard to the parking requirements, and there is no clear record of whether the additional six seats were approved, she recommended that the Council send the matter back to the Hearing Examiner to develop the record on these points, specifically whether or not those additional six seats were approved by the City.

MOTION: Move we remand this item back to the Hearing Examiner for further hearings in regards to the parking and non-conforming issues.
Picinich/Owel -

Councilmember Owel pointed out that if the elimination of Bay Realty resulted in a reduced parking requirement, it also represents an increase in use. Councilmember Ekberg asked how this issue had gotten to this point without the issue of the additional six seats being clarified.

Councilmember Platt pointed out that there were 45 seats allowed at the deli, and only 41 were being utilized, therefore, he did not see any increase in non-conformity. He added that without the realty office, there is a net decrease in parking requirements, and that there seems to be a great deal of support for the project. He said he did not think the item needed to be remanded back to the Hearings Examiner and that Council should support the Hearings Examiner's decision.

Mayor Wilbert asked to call for the question.

RESTATED MOTION: Move we remand this item back to the Hearing Examiner for further hearings in regards to the parking and non-conforming issues.
Picinich/Owel - Councilmembers Owel and Picinich voted in favor.
Councilmembers Ekberg and Platt voted against. Mayor Wilbert broke the tie by voting in favor of remanding the item back to the Hearing Examiner.

2. Time Extension Request - Design Guidelines Technical Committee. Ray Gilmore explained this request from the committee to extend the working deadline of December 31st to February 29th to finalize the draft, and recommended approval of the Resolution to extend the time.

MOTION: Move adoption of Resolution #459 approving the requested extension.

MOTION: Move adoption of Resolution #459 approving the requested extension.
Platt/Ekberg - unanimously approved.

3. First Reading of Ordinance - Amendments to Chapter 15.06. Ray Gilmore asked that this item be removed from the agenda and reintroduced at the first meeting in January.

4. Utility Management Software License. Tom Enlow explained this software license and use agreement was for the Eden Systems' Utility Management software approved recently. He added that legal counsel had a couple of corrections to be made before the contract was signed. Carol Morris read the corrections to Sections 7.2 and 8.4 of the contract.

MOTION: Move to authorize the Mayor to sign the Eden Systems agreement with the correction to 7.2 and 8.4 as suggested by legal counsel.
Ekberg/Platt - unanimously approved.

5. 1996 Job Description Update. Mark Hoppen introduced the job descriptions approved with the 1996 Budget for a Public Works Foreman, Finance Technician, and Planning-Building Assistant.

MOTION: Move for adoption of the job descriptions alterations and additions to The 1996 City of Gig Harbor Job Descriptions as presented.
Picinich/Owel - unanimously approved.

6. Police Chief Employment Contract. Mark Hoppen explained that Mr. Barker could not be present at the meeting. He introduced the employment agreement and added that the terms were similar to other department head contracts. Mayor Wilbert thanked everyone for their cooperation during the selection process and added that she felt very comfortable with the selection of Mr. Barker for the position. Councilmember Ekberg also said the City was fortunate to have a person of Mr. Barker's caliber. Mayor Wilbert added that he would begin his duties on January 1st.

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

7. Public Works Director Employment Contract. Mayor Wilbert introduced Wes Hill to Councilmembers. Mark Hoppen explained that the contract was analogous to the contract for the Chief of Police with the exception that Mr. Hill would not begin work until January 15th. He gave a brief history of Mr. Hill's past experience.

MOTION: Move approval the contract with the Public Works Director, Wes Hill.
Picinich/Ekberg - unanimously approved.

8. Hearing Examiner Employment Contract. Mark Hoppen introduced Ron McConnell, who shared statistics and information regarding the nature of the job he has been performing for the City over the years.

Councilman Platt asked Mr. Hoppen if any other bids for the position had been solicited. Mark replied there were none, but that is something that could be done if requested. Councilmember

Picinich asked for clarification of when the existing contract with McConnell Burke expired. Mark answered that the current contract was in effect until December 31, 1995.

MOTION: Move we move discussion of the Hearing Examiner Employment contract to Executive Session, inviting Mr. McConnell to attend.
Owel/

Carol Morris explained that only the performance of a public employee could be discussed in Executive Session, but not the terms of a contract. Councilmember Owel withdrew her motion.

MOTION: Move to table action on this item until after Executive Session.
Ekberg/Picinich - unanimously approved.

9. New Liquor License Application - The Captain's Keep. No action taken.

10. Liquor License Renewals - Marco's Restaurant, Mimi's Pantry. Councilman Platt mentioned that the tables from Marco's Restaurant had expanded into the Mimi's Pantry portion of the building. Mayor Wilbert said she would look into it. No action taken.

MAYOR'S REPORT:

City of Gig Harbor 50th Anniversary. Mayor Wilbert said that the City is moving ahead with the planning of the celebration, although no committees had been formed. She passed out a tentative schedule of events.

COUNCIL COMMENTS:

STAFF REPORT:

1. Planning Department - Dec. 4th Worksession on Development Code Updates. Ray Gilmore mentioned a few highlights of what was discussed at the worksession. He said that Title 19 was an important section that would require Council's further action along with density issues. Councilmember Picinich said that Section 17.72.060, shared parking, was a sensitive issue that also needed to be discussed.

2. GHPD - Lt. Bill Colberg. Lt. Colberg thanked Mayor Wilbert and Mark for the opportunity to be the interim Chief of Police. He added that he had numerous conversations with Mitch Barker and he shares a lot of the same philosophies. He then thanked the Council for their support in the past, which he attributed to the level of professionalism in the department. Councilmember Picinich added that he had heard nothing but positive comments about the job Lt. Colberg had done while acting as interim Chief, and thanked him for doing such an excellent job.

ANNOUNCEMENT OF OTHER MEETINGS:

Pierce County Council Meeting - Tuesday, December 12, 1995 - 7:00 p.m. at Gig Harbor City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15109 through #15195 in the amount of \$321,339.53.
Platt/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of payroll checks #11929 through #12042 in the amount of \$182,177.32.
Platt/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 9:14 p.m. for the purpose of discussion of property acquisition and review of Hearing Examiner's performance for approximately 30 minutes.
Ekberg/Platt - unanimously approved.


MOTION: Move to return to regular session at 9:43 p.m.
Picinich/Platt - unanimously approved.

MOTION: Move we authorize the Mayor to approve a contract with the Hearings Examiner for the period of three months at the amount of \$93.50 per hour and \$37.50 per hour for secretarial services.
Platt/Picinich - unanimously approved.

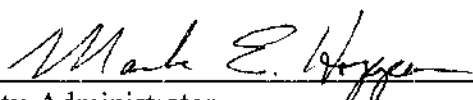
ADJOURN:

MOTION: Move to adjourn at 9:55 p.m.
Picinich/Platt - unanimously approved.

Cassette recorder utilized.
Tape 408 Side B 170 - end.
Tape 409 Side A 000 - end.
Tape 409 Side B 000 - end.
Tape 410 Side A 000 - end.
Tape 410 Side B 000 - 203.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JANUARY 8, 1996

PRESENT: Councilmembers Picinich, Owel, Platt, Ekberg, Markovich and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARINGS:

First Reading of Ordinances:

1. Amendments to Chapter 15.06 - Defining a Complete Building Permit Application
2. Amendments to Title 16 - Subdivisions.
3. Amendments to Title 17 - Zoning Code.
4. Amendments to Chapter 17.01 - Construction Trailers.
5. Amendments to Chapter 17.04 - Definitions.
6. Amendments to Chapter 17.07 - Enforcement.
7. Amendments to Chapter 17.10 - Hearing Examiner.
8. Amendments to Chapter 17.15 - Public Institutional District.
9. Amendments to Chapter 17.45 - Employment District.
10. Amendments to Chapter 17.65 - Special Use Permits.
11. Amendments to Chapter 17.94 - Land Clearing.
12. Amendments to Title 19 - Administration Procedures.

Ray Gilmore explained that there are twelve ordinance up for consideration and added that he wanted to open items 3 through 11 together, as they all pertain to Title 17 of the Municipal Code.

Mayor Wilbert opened the public hearing on the Amendments to Chapter 15.06 - Defining a Complete Building Permit Application, at 7:10 a.m. There were no comments from the audience on this item, and she closed the public hearing at 7:10, and opened the public hearing on Amendments to Title 16 - Subdivisions. There were no comments on this item and the public hearing was closed at 7:11 and the public hearing on Items 3 through 11 was opened at 7:11.

Mr. Gilmore explained that this was the main body of the Municipal Zoning Code and gave a brief description of the changes that had occurred since these proposed amendments were last before Council.

Dick Allen - 3603 Ross Avenue. Mr. Allen questioned whether or not it was appropriate to have rental halls in residential areas. He voiced concerns that these facilities would generate late-night noise and traffic that would disturb surrounding residents and added that they would be better situated in a commercially zoned area, or in an large area with buffering. His second issue was why Christmas Tree sales were deleted as an allowed use in commercial zones. He added his concerns that the decisions regarding planned residential and planned unit developments were being left to the Hearing Examiner rather than City Council, unless there was a formal appeal filed. Councilmember Platt stated that this was an issue with Council also, and would be further discussed.

Geoff Moore - Pac Tech Engineering. Mr. Moore stated his concerns that the word "business" was being eliminated in the definition section for RB-2. He said that the change in definition would affect several properties in RB-2 zones that currently have mixed uses, and the replacement of the

word "business" with "professional office" would unnecessarily limit the use of the buildings in those zones which currently do not experience any problems. He added that zoning of future areas could be changed, but to leave the existing RB-2 definition as is.

Roger Mosiman - 9617 Harmony Lane. Mr. Mosiman introduced himself as owner of property in the RB-2 zone off Skansie Avenue. He gave a copy of a letter to Councilmembers and read the proposed definition of "business." He added that it would make sense to allow more than only professional offices in this location and invited Council to go up to the area and take a look.

Wayne Knight - 3715 165th Ave. KPN. Mr. Knight owns property adjacent to Mr. Mosiman's in the area of Skansie and Neel Court. He said he had bought interest in the properties in 1970, and it had always been retail/business mixed use and that it should remain the same. He didn't feel the grandfather clause was sufficient to protect the property uses.

Paul Cyr - Land Use Consultant residing outside city limits. Mr. Cyr said he concurs with the previous speakers, and the word "business" should not be dropped from the definition. He suggested adding a new definition to the code to handle future zoning. He asked that hotel/motels be added to the RB-2 zone as a conditional use.

There were no further comments from the audience, Council, or staff. The Mayor closed the public hearing on these items at 7:48. She then opened the public hearing on Title 19.

Ray Gilmore explained that Title 19 is a new addition to the municipal code drafted by legal counsel. He added that the permitting matrix pertains to all other sections of the zoning code, defining the process. He introduced Carol Morris, legal counsel.

Ms. Morris said that the matrix could answer many questions regarding the decision making process. She explained the changes in the section regarding an incomplete application procedure.

Mayor Wilbert asked for public comment.

Paul Cyr - Mr. Cyr concurred with the recommendation that Council rely upon the Hearing Examiner's process. He added that it was a thorough public process and Council becomes the final arbitrator if someone is dissatisfied with the process.

Dick Allen - Mr. Allen said that he didn't feel that a Hearing Examiner was more knowledgeable than the Council. He said he would feel much more comfortable with the final decision being left to the Council.

There were no further comments from the audience, and the public hearing was closed at 7:58 p.m. Ray Gilmore said that there was a letter from Thomas Oldfield in Council's boxes regarding legal points about the takings issues and said that Carol could prepare an analysis of the issues for the next meeting. Mayor Wilbert asked legal counsel to prepare the information.

SWEARING IN CEREMONY: Mark Hoppen asked Councilmembers Marilyn Owel, Corbett Platt, and Nick Markovich to stand and take an oath as newly elected and re-elected Councilmembers.

CALL TO ORDER: 8:01 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the December 11, 1995 meeting as presented. Platt/Picinich - four voting in favor. Councilmember Markovich abstained.

CORRESPONDENCE:

1. Tom Taylor, Peninsula Gateway - Cruisin the Gig. Mayor Wilbert introduced this letter announcing the ninth annual classic car show to be held May 19th at the City Park.
2. Pierce County Library District. Mayor Wilbert spoke of this letter asking for a representative from the city to attend a retreat to help develop the library's future mission on Saturday, January 27th, 9:00 am - 4:00 pm. Councilmember Picinich offered to attend the retreat.

OLD BUSINESS: None.

NEW BUSINESS:

1. Award of Contract to Purchase Photocopiers. Molly Towslee presented the bids for two new photocopiers for city hall. She explained that Pitney Bowes had requested to withdraw their bid because the state tax had been left out of the final bid price, and recommended that the bid be awarded to the next lowest bidder, Minolta. The service contract for the two machines will be presented to Council at the next meeting for approval.

MOTION: Move to award the bid to purchase two copiers to Minolta in the amount of \$30,300.11 and the maintenance per month of \$230.
Ekberg/Owel - unanimously approved.

2. SDP 95-06, Gilich - Variance and Shoreline Permit for Parking Lot Improvements. Mayor Wilbert opened this agenda item up for public hearing at 8:13 p.m. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. Councilman Markovich explained that he had represented the applicant in the past and recused himself from the proceedings and left the council chambers. Mayor Wilbert then asked the representative for the project, John Gilich, and staff member, Ray Gilmore, to take an oath of honesty in any testimony that they may give, to which they answered affirmatively.

Ray Gilmore presented this request for a variance and shoreline permit by John Gilich to pave the vacant lot next to the Harbor Inn Restaurant. He added that the variance was to reduce the parking lot landscaping requirements for the parcel, and the shoreline development permit is required because the cost of improvements exceeds \$2,500.

John Gilich - 7005 Soundview Drive. Mr. Gilich explained that he had hired Pac Tech Engineering to develop a drainage plan to submit to the Department of Fish and Wildlife. He answered Council's questions regarding landscaping and handicapped parking spaces.

There were no further comments, and public hearing was closed at 8:24.

MOTION: Move to approve Resolution No. 460 approving the Hearing Examiner's recommendation to approve a shoreline permit.
Picinich/Ekberg - unanimously approved.

Councilman Markovich returned to the council chambers.

3. First Reading of Ordinance to Adopt the Public Works Standards by Reference. Mark Hoppen introduced Carol Morris to present this agenda item. Ms. Morris explained that to prevent any challenges to the development standards, she recommended readopting them by ordinance. This item will return for a second reading at the next council meeting.

4. Approval of PCRC Interlocal Agreement. Mark Hoppen presented this formation agreement presented by Pierce County Regional Council and explained that their by-laws were also attached for consideration. Mayor Wilbert added that she had been involved in the interaction leading to this agreement. Councilman Picinich pointed out that an alternate must be chose to represent the City of Gig Harbor.

MOTION: Move to adopt Resolution No. 461 which adopts amendments to the interlocal with Pierce County Regional Council.
Markovich/Picinich - unanimously approved.

5. Approval of PCCPP Amendments. Mark Hoppen introduced the final version of the amendments to the Pierce County County-wide Planning Policies. He added that the standard would have no negative impacts on the way we do contracting for utilities outside city limits or on the future of growth standards.

MOTION: Move to approve Resolution No. 462 which adopts the amends to the Pierce County County-wide Planning Policies.
Markovich/Picinich - unanimously approved.

MAYOR'S REPORT:

Mayor Wilbert introduced the panoramic photograph hanging in the back of the Council Chambers. She explained that the photo had been borrowed from Mrs. Marty Hoppen, and had been taken by her son, Guy. Mayor Wilbert again asked Councilmembers to consider purchasing a piece of art for City Hall in commemoration of the City's Fiftieth Anniversary. She added that there will be an historic art display in the council chambers held during the anniversary celebration.

COUNCIL COMMENTS: None.

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

Pierce County Council Meeting - Tuesday, February 27th - 7:00 p.m. at Gig Harbor City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15190 through #15299 in the amount of \$122,680.77.
Owel/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

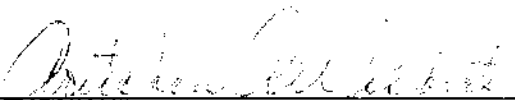
MOTION: Move approval of payroll checks #12043 through #12153 in the amount of \$165,777.86.
Owel/Platt - unanimously approved.

EXECUTIVE SESSION:

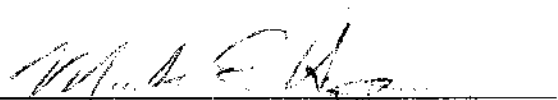
ADJOURN:

MOTION: Move to adjourn at 8:37 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 410 Side B 204 - end.
Tape 411 Side A 000 - end.
Tape 411 Side B 000 - end.
Tape 412 Side A 000 - 176.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JANUARY 22, 1996

PRESENT: Councilmembers Picinich, Owel, Platt, Ekberg, Markovich and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARINGS:

Gig Harbor North Annexation - Preannexation Zoning. Ray Gilmore explained that this was the second public hearing on this item as required by RCW 35.A.14. He gave a brief summary of the packet contents and explained that at the next council meeting, a resolution adopting the annexation would be presented to Council for approval, which would then be forwarded to the Pierce County Boundary Review Board. He added that when it returned from that two to four month process, an ordinance would be brought back to Council to finalize the annexation.

Mayor Wilbert opened the Public Hearing on this item at 7:06 p.m.

Don Thompson - 9716 43rd Ave. NW. Mr. Thompson, who represents the Avalon Woods development, invited Councilmembers to view his neighborhood if they had any question on whether it would be a benefit to annex this area to the City. He added that he and his neighbors were anxious to be a part of the City and out from under Pierce County's jurisdiction.

Dick Allen - 3603 Ross Avenue. Mr. Ross voiced his concerns about drainage problems that may occur with development of the Gig Harbor North area. He showed pictures of North Creek (Donkey Creek) behind Borgen's Lumberyard and asked Council to consider the impact of the additional runoff that would occur with development.

Ken Manning - 6325 Woodhill Drive. Mr. Manning also shared his concerns about drainage problems and their affect on the salmon runs in McCormick Creek. He said he would like to see coordination with the developers on a successful storm water system.

Staff answered Council's questions regarding the status of the annexation process, zoning, and the water storage facility.

Greg Elderkin - Logan Enterprises. Mr. Elderkin explained it was the property owner's intent to form an LID to construct the 1.5 million gallon water storage facility to serve the area. He added that the language in the agreement granting the developers the right of first use of the system was in case the other property owner did not join in the LID to construct the system. He also explained that the small neighborhood business section included in the zoning was to include a convenience store to serve the immediate area.

There were no further comments and the public hearing was closed at 7:48 p.m.

CALL TO ORDER: 7:48 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the January 8, 1995 meeting as presented.
Picinich/Platt - unanimously approved.

CORRESPONDENCE: None.

OLD BUSINESS:

1. - 12. Second Reading of Ordinances: Ray Gilmore introduced the second reading of these ordinances and explained that the memo given to them from legal counsel outlined several changes to be made, mostly housekeeping items. Council and staff went through and discussed each item. The following motions were made:

Amendments to Title 16 - Subdivisions.

MOTION: Move to adopt Ordinance No. 701 as presented.
Markovich/Ekberg - unanimously approved.

Amendments to Chapter 17.01 - Construction Trailers.

MOTION: Move to adopt Ordinance No. 702 with corrections as noted in legal counsel's memo.
Ekberg/Picinich - unanimously approved.

Amendments to Chapter 17.04 - Definitions.

Councilmember Markovich asked to amend language to Section 17.04.330 - Family, to clarify the definition for a single-family dwelling. Carol Morris suggested adding "An individual or individuals" to the beginning of the sentence. Councilmember Markovich added that he wanted the term "Professional Office or Service" to remain in 17.04.690 rather than using the word "Business." Councilmember Ekberg agreed with him.

MOTION: Move to adopt Ordinance No. 703 as amended.
Ekberg/Markovich - unanimously approved.

Amendments to Chapter 15.06 - Defining a Complete Building Permit Application.

MOTION: Move to adopt Ordinance No. 704 defining a complete building permit application as presented.
Picinich/Platt - unanimously approved.

Amendments to Chapter 17.07 - Enforcement.

MOTION: Move to adopt Ordinance No. 705, changing Chapter 17.07.008 B to Section 17.10.160.
Markovich/Picinich - unanimously approved.

Amendments to Chapter 17.10 - Hearing Examiner. This item was not included in the packet and will be brought back at the next Council meeting for a third reading.

Amendments to Chapter 17.15 - Public Institutional District.

MOTION: Move to adopt Ordinance No. 706 with modifications as suggested by legal counsel.
Platt/Ekberg -

Councilman Markovich asked for clarification of legal counsel's comment about a "waiver" of the height standard. Ray Gilmore explained that this sentence should be stricken as it was a carry-over from a standard proposal from Gig Harbor North.

AMENDED MOTION: Move to strike the last two sentences in 17.15.060 regarding the height standard may be waived.
Ekberg/Platt - unanimously approved.

ORIGINAL MOTION: Move to adopt Ordinance No. 706 with modifications as suggested by legal counsel.
Platt/Ekberg - unanimously approved.

Amendments to Chapter 17.45 - Employment District.

MOTION: Move to adopt Ordinance No. 707 as presented.
Platt/Ekberg - unanimously approved.

Amendments to Chapter 17.65 - Special Use Permits.

MOTION: Move to adopt Ordinance No. 708, deleting Section 17.65.100.
Markovich/Ekberg - unanimously approved.

Amendments to Chapter 17.94 - Land Clearing.

MOTION: Move to adopt Ordinance No. 709 with the correction of "o" to "no."
Markovich/Picinich - unanimously approved.

Amendments to Title 17 - Zoning Code.

Carol Morris went over the suggested changes in her memo. Councilman Markovich added that

under 17.16.020 J. Home Occupations, that in the worksession that it was decided to add the words "Subject to 17.84" to that line, and to pluralize the word "meets" under 17.16.030 - E. He asked to remove "Rental Halls" from all residential areas and to add Hotel/Motel as a conditional use in the RB-2 zones. Councilmember Ekberg agreed, and no one had any objections to these changes.

Councilmember Owel asked that throughout the document all reference to maximum height of structures be changes to read "structures shall not exceed a maximum height" instead of "structures shall have a maximum height."

Carol Morris asked if Council would allow any reference to maximum gross floor area to be deleted from this ordinance to be brought back in a separate ordinance with a memo addressing concerns raised by an attorney on the limitation of gross floor area. Councilmembers agreed to this.

In Section 17.48.060 Height, Carol Morris suggested adding the words "per lot" after "per structure" to clarify the intent. Councilmember Markovich said he had concerns regarding staff having the ability to reduce parking requirements by 10% administratively, and the language was deleted from 17.66.020 - Variance. He suggested dealing with parking as a separate issue at a later date.

Ray Gilmore explained the section on height variance. Councilmember Owel voiced her concerns regarding the intent of this section. She suggested leaving the height restriction as is until the Design Guidelines Technical Committee could make a recommendation.

MOTION: Move to strike reference to the criteria for height increase for single-family dwelling in this section and in administrative variance procedures.
Owel/Markovich - unanimously approved.

Councilmember Markovich asked to change the word to "occupant(s)" to "resident(s)" in 17.84.030 B.

MOTION: Move to adopt Ordinance No. 710 Amendments to Title 17 with amendments as agreed to.
Ekberg/Platt - unanimously approved.

Amendments to Title 19 - Administration Procedures.

Council and Staff reviewed the matrix for this ordinance. Carol Morris offered to modify the matrix to include all the decisions that the City makes decisions. Councilmember Owel asked that the notification of the public for pre-reviews and hearings be made more comprehensive.

Dick Allen - Mr. Allen asked if there was any criteria for timely notice of hearings. Staff answered that it was clearly spelled out in the code.

MOTION: Move to adopt Ordinance No. 711 as has been outlined in previous discussions.
Ekberg/Markovich - unanimously approved.

13. Approval of Maintenance Contract for Minolta Photocopiers. Molly Towslee presented the

Supply/Service contract for the two new copiers for Council's approval.

MOTION: Move to approve both contracts as submitted for the service on the Minoltas. Ekberg/Markovich - unanimously approved.

14. Second Reading of Ordinance to Adopt the Public Works Standards by Reference. Mark Hoppen briefly introduced this second reading of an ordinance to adopt the Public Works Standards by ordinance as recommended by legal counsel.

MOTION: Move to adopt Ordinance No. 712 as presented. Markovich/Ekberg - unanimously approved.

A brief recess was called at 9:50 p.m. The regular meeting was resumed at 10:00.

NEW BUSINESS:

1. Replacement of Police Vehicle. Mitch Barker, Police Chief, presented this request to purchase a new Chief of Police vehicle. He explained that the current vehicle was experiencing mechanical problems that had made it unreliable, as well as decreasing the value of the vehicle. He reviewed the bids he had obtained and from the state contract dealer in Spokane for a new vehicle. Councilmember Platt said he had done some calling and found out that one of the differences in the state contract was the flexible fuel option. He added he had checked out repair costs on the transmission on the existing vehicle and estimated that it would be between \$500 and \$1,500, which is less than the \$2,000 quoted from the local dealer. He recommended purchasing a new vehicle from the state contract and have the existing vehicle repaired, then surplus it. Councilman Ekberg asked that a firm bid be obtained for repair of the vehicle. Mark Hoppen proposed to repair the vehicle and keep it as a staff car to replace one of the current city cars that are becoming problematic.

MOTION: Move we authorize the Police Chief to purchase a new Chief's car from the State Bid Contract for the amount of \$17,086.67. Platt/Picinich - unanimously approved.

2. Purchase of Miller Property. Mark Hoppen explained that the property was ready to close and signatures were required. He said Council had originally authorized the purchase but had not seen any of the documentation.

MOTION: Move to purchase the Miller property for \$75,277.75. Picinich/Ekberg - four voted in favor. Councilmember Platt voted against.

3. Award of Bid for Designation of Official City Newspaper. Mark Hoppen briefly presented this bid for the official city newspaper as required by city ordinance.

MOTION: Move to award the status of official newspaper service to the Peninsula Gateway. Markovich/Picinich - unanimously approved.

4. Emergency Ordinance for Police Chief Position. Carol Morris explained that the title of the agenda item was misleading, that in fact it was not an emergency ordinance, but would utilize the special ordinance adoption procedure to adopt it in one reading. She explained the purpose for the ordinance was to satisfy RCW's to establish the police department and its duties.

MOTION: Move approval of Ordinance No. 713 establishing a police chief position and clarifying police reserve policy.
Picinich/Platt - unanimously approved.

5. New Liquor License Request - Gig Harbor Pub and Grill. No action taken.
6. Liquor License Renewals - Gourmet Essentials; Harbor Inn; Neville's Shoreline. No action taken.

MAYOR'S REPORT: Mayor Wilbert pointed out the tapestry at the back of the Council Chambers that had been donated to City Hall several years ago by Floyd Brewer. She asked for suggestions for where the tapestry could be best utilized.

COUNCIL COMMENTS: None.

STAFF REPORT:

1. Tom Enlow, Finance Director - Quarterly Report. Tom gave a brief overview of resources, revenues, expenditures. He added that all departments are within budget. He added that cash balances are adequate in all funds, and the General Fund balance is above projections and would be able to fund transfers to Streets, Storm, Debt Service and the Property Acquisition funds sooner than expected.
2. Update on Status of Jim Richardson Lien - Carol Morris, Legal Counsel. Carol reported that she had been contacted by the attorney for Par 5, asking the city to switch its lien from one property owned by Jim Richardson to another owned by him, to allow Par 5 to acquire the equity on their lien on the first property. She added that the property the city was being asked to switch its lien to had an approximate assessed value of \$75,000, and outstanding debts attached for the same amount. Council directed her not to take any action and to notify Mr. Wheeler, attorney for Par 5.

ANNOUNCEMENT OF OTHER MEETINGS:

Pierce County Council Meeting - Tuesday, February 27th - 7:00 p.m. at Gig Harbor City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15300 through #15386 in the amount of \$64,681.29.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION:

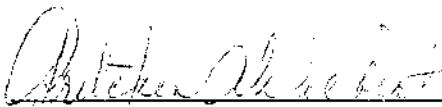
MOTION: Move to adjourn into Executive Session at 10:31 p.m. for the purpose of discussing a property acquisition for approximately three minutes.
Picinich/Ekberg - unanimously approved.

MOTION: Move to return to regular session at 10:34 p.m.
Ekberg/Picinich - unanimously approved.

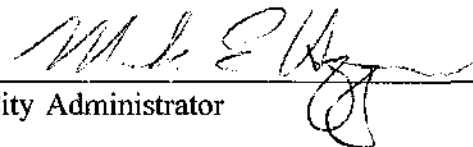
ADJOURN:

MOTION: Move to adjourn at 10:35 p.m.
Platt/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 412 Side A 178 - end.
Tape 412 Side B 000 - end.
Tape 413 Both sides.
Tape 414 Both sides.
Tape 415 Side A 000 - 344.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 12, 1996

PRESENT: Councilmembers Picinich, Owel, Platt, Ekberg, Markovich and Mayor Wilbert.

Mayor Wilbert introduced Chad Hedstrom, who was earning his first class Scouting Badge. She asked him to lead the Councilmembers, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENT / DISCUSSION:

Anita Londgren - Mayor Wilbert introduced Ms. Londgren as a Supervisor in the "Safe Place" program. Ms. Londgren gave a history of the program designed to help teens in crisis. She passed out a packet of information to Councilmembers and explained that the program would stop the end of February due to lack of funding. She then introduced Pat Jones of the Span Deli. Ms. Jones, a member of the advisory board, explained that the Span Deli was the first Safe Place on this side of the bridge. She explained that the board meets once a month. Both ladies encouraged participation in the program to help to keep it going.

Ron Bentley - Mr. Bentley gave an update on the effects of the new sign code ordinance on local real estate sales. He again asked Councilmembers to reconsider the recommendation made by the Board of Realtors to allow at least four directional signs for open houses. He added that over the next few weeks other members of the real estate community and citizens would be coming to council meetings to report.

CALL TO ORDER: 7:26 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the January 22, 1995 meeting as presented.
Platt/Owel - unanimously approved.

CORRESPONDENCE:

Mayor Wilbert announced that the first four items in correspondence could be found in the basket in the print room for review.

1. WSDOT - Public Advisory Elections for Selected State Transportation Facilities.
2. Dept. of the Air Force - McChord Economic Resource Influence Statement.
3. Washington State Audit Report - City of Gig Harbor, 1994.
4. Washington State Board of Commissions Vacancies Report.
5. American Legion Newsletter - Gig Harbor Post #236. Mayor Wilbert said this letter from the American Legion was to thank the City Council for their contribution of \$250 to the flag program in helping replace the worn and missing flags.

OLD BUSINESS: None.

NEW BUSINESS:

1. Utility Extension Request - David and Mimi Hill. Mark Hoppen introduced this request for sewer to property adjacent to city limits on Soundview Drive. He added that no health emergency existed, and that the property was part of the Shoreacres area.

MOTION: Move we grant sewer request.
Markovich / Owel -

Councilmember Ekberg said that he is not in favor of extensions outside city limits unless there is an immediate health situation, which there is none in this case. Mayor Wilbert called for the question.

RESTATED MOTION: Move we grant sewer request.
Markovich / Owel - Councilmembers Markovich and Owel voted in favor. Councilmembers Ekberg, Platt and Picinich voted against.

Councilmember Picinich made the following motion:

MOTION: Move approval of the extension contingent upon annexation.
Picinich / Markovich -

Councilmember Markovich pointed out that if the property were annexed, they would not have to request sewer, therefore making the motion a mute point. He withdrew his second to the motion. With no second, the motion died and the extension request was denied.

2. Renewal Agreement with Gig Harbor Little League for City Park Use. Mark Hoppen introduced this request to use the City Park the same as last season. He explained that the league did not want to overtax the young grass on the newly built fields on Burnham Drive by overuse. He added that paragraphs A and B of the contract related to concessions should be eliminated to decrease liability. Councilmember Platt requested that the schedule be revised to keep the park open to public use on Saturday and Sunday, and Councilmember Ekberg agreed.

MOTION: Move we grant a one year extension with the Little League to use the City Park, deleting paragraphs A and B, and limiting use of the park to Monday through Friday afternoons.
Ekberg / Platt - four voted in favor. Councilmember Markovich voted against.

3. Resolution Supporting Jail Facilities. Mayor Wilbert explained that Doug Sutherland had asked for support in the form of a resolution supporting a one-tenth of one percent sales tax increase to be dedicated to jail construction and operation.

MOTION: Move we draw up a Resolution to be brought back to Council at the next meeting.

Picinich / Ekberg - unanimously approved.

4. First Reading - Chapter 17.10 - Hearing Examiner Ordinance. Ray Gilmore explained this ordinance had been considered in public hearings in October, and had been reintroduced again in January but was advertently left out of the group of ordinances passed at the last meeting. He added that this updates the Hearing Examiner process to be consistent with the newly adopted Chapter 19. He recommended a change in effective date to March 31, 1996, the effective date of Title 19. This ordinance will be back for a second reading at the next meeting.
5. First Reading of Ordinance, Amendments to Chapter 17 - Maximum Floor Area for Non-residential Structures. Ray Gilmore introduced this ordinance to define floor area limitations in four zoning areas and added that there had been four public hearings on this item. He said that at legal counsel's recommendation it was being reintroduced as a separate ordinance. He explained that the language in the ordinance was the same as proposed at the Planning Commission's recommendation. This ordinance will be back for a second reading at the next meeting.
6. First Reading - Moratorium on Adult Entertainment Business Use. Carol Morris, legal counsel, introduced this ordinance to immediately impose a moratorium on adult entertainment uses in the City to allow time for the Planning Commission to conduct studies to determine land use effects of such uses. She added that a public hearing would have to be held within 60 days to determine whether or not adopt regulations on adult entertainment businesses. She recommended adopting the ordinance utilizing the emergency provision, which would allow the moratorium to go into effect immediately.

MOTION: Move adoption of Ordinance No. 714 imposing a one year moratorium on the acceptance of applications for use permits, building permits and licenses for adult entertainment uses and businesses and deleting section eight of the ordinance regarding the effective date.

Picinich / Markovich - unanimously approved.

7. Resolution - Appointment of Members for Building Code Advisory Board. Ray Gilmore explained that two terms of office on the board had expired. He recommended adoption of the Resolution reappointing the two members.

MOTION: Move for adoption of Resolution No. 463.

Picinich / Ekberg - unanimously approved.

8. Application for Liquor License - Olympic Village BP. No action taken.
9. Liquor License Renewal - The Keeping Room. No action taken.

COUNCIL COMMENTS:

Councilmember John Picinich announced that he had attended the Pierce County Library Retreat. He said the meeting was to evaluate their procedures, and added that he had recommended to extend the hours at the Peninsula Branch from 45 to 55 or 60. He said that figures show that more people use this branch than any other.

STAFF REPORT:

Chief Mitch Barker, GHPD. Chief Barker said things had been reasonably quiet so far. He added that he had enjoyed his first six weeks with the City and had spent them getting comfortable with the staff and reviewing operations.

ANNOUNCEMENT OF OTHER MEETINGS:

Pierce County Council Meeting - Tuesday, February 27th - 7:00 p.m. at Gig Harbor City Hall.

MAYOR'S REPORT:

Finholm View Climb Project. Mayor Wilbert gave a Finholm Family history and an update of the project. She introduce Len McAdams, Chairman of the project committee. Mr. McAdams gave a brief overview of his qualifications and explained that he had been involved in the project since its beginning. He said that the Lions Club wanted to manage the project, while working closely with the City of Gig Harbor, and added that the finished project would be turned over to the city when finished. He described the project and fundraising efforts.

Councilman Markovich said that the Finholm Viewclimb Project was a great example of the public and private entities working together for the betterment of the community.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15387 through #15501 in the amount of \$191,209.76.
Owel / Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of checks #12154 through #12272 in the amount of \$189,538.86.
Owel / Ekberg - unanimously approved.

EXECUTIVE SESSION:

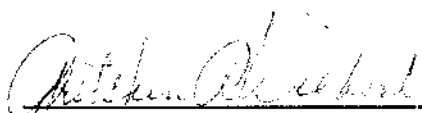
MOTION: Move to adjourn into Executive Session at 8:24 p.m. for the purpose of discussing a property acquisition and potential litigation for approximately twenty minutes.
Picinich/Markovich - unanimously approved.

MOTION: Move to return to regular session at 8:44 p.m.
Owel/Picinich - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:45 p.m.
Picinich / Platt - unanimously approved.

Cassette recorder utilized.
Tape 415 Side A 344 - end.
Tape 415 Side B 000 - end.
Tape 416 Side A 000 - end.
Tape 416 Side B 000 - 145.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 26, 1996

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

PUBLIC COMMENT / DISCUSSION:

Ron Bentley 316 82nd St Ct NW - Mr. Bentley said he wanted to update Councilmembers on the latest result of his informal survey of response to weekend activities. He explained that six people had come to the open house at The Heights. He added that a large photo ad had been placed in the News Tribune and three people said they came to the open house because of the ad, and three because of the signage. He said that the Planning Commission was in favor of the recommendation by the Association of Realtors to allow more signage, but did not want to delay the entire sign code, so they submitted the recommendation to Councilmembers, but the letter had been ignored. He again asked Councilmember to address the sign code and revise it to meet the needs of the real estate community.

Geoff Fowler - President of Discovery Homes, 5113 Pacific Hwy #1, Fife. - Mr. Fowler said he currently had two projects in the Gig Harbor area, Brittany Place on Olympic Drive, and The Heights. He said that the sign code is really hurting sales and added that if it was Council's goal to squash new construction in the city, they were on the right track. He said that a minimum of eight directional boards were needed on the weekends to compliment news ads and encouraged Council to reconsider the sign code.

Janna Neville - 2114 Crescent Lake Drive. Ms. Neville, President of the Gig Harbor Little League, asked Councilmember to reconsider their decision to limit the use of City Park for the Little League to Monday through Friday, leaving Saturday open for public use. She explained that there were 635 kids registered, 100 more than last year, and the new grass at the Burnham Ballfield could not support that heavy of use, which would mean approximately 120 kids would not be able to play. She added that the members of Gig Harbor Little League had worked hard the last couple of years to establish a "baseball atmosphere" in Gig Harbor. Councilman Picinich said he would like to reconsider the decision made at the last council meeting. Councilman Markovich pointed out that he had voted against the decision to limit use on the park and added that he had never heard any complaints on the Little League's use of the park in the past. Mayor Wilbert said that this item would be reconsidered under old business.

CALL TO ORDER: 7:21 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the February 12, 1996 meeting as presented.
Picinich/Ekberg - unanimously approved.

CORRESPONDENCE:

1. Letter from General Colin Powell. Mayor Wilbert briefly spoke about this letter from General Powell.

2. Jim Walton, Chair - Safe Street Campaign. Mayor Wilbert explained that this program is no longer funded by government funds, only private, and the people who keep this program going should be commended.
3. Diane Lachel, Viacom Cable - Rate Changes and Channel Line Up. Mayor Wilbert explained that she felt this item may be of interest.
4. Mary McCumber, Puget Sound Regional Council - 1997 Budget and Work Program. Mayor Wilbert explained that this item was in the reading basket if anyone was interested in their transportation package.
5. Final Environmental Impact Statement - US Dept of Energy - Nuclear Weapon Nonproliferation Policy. Mayor Wilbert said that this item was also in the reading basket. She added that she had been assured by Congressman Norm Dicks that the hazardous waste was not coming through the Port of Tacoma.

OLD BUSINESS:

1. Second Reading - Chapter 17.10 - Hearing Examiner Ordinance. Ray Gilmore presented this second reading of an ordinance that updates the Hearing Examiner process to be consistent with the newly adopted Chapter 19. He added that the effective date of this ordinance would be March 31st along with the other zoning changes.

MOTION: Move to adopt Ordinance No. 715 relating to procedures and duties of the Land Use Hearing Examiner.
Markovich/Owel -

Councilmember Ekberg asked that the termination at will language from the Hearing Examiner employment contract should be included in section 17.10.020 of the ordinance.

AMENDED MOTION: Move to include termination at will language in section 17.10.020 of the ordinance.
Ekberg/Owel - unanimously approved.

ORIGINAL MOTION: Move to adopt Ordinance No. 715 relating to procedures and duties of the Land Use Hearing Examiner.
Markovich/Owel - unanimously approved.

2. Second Reading of Ordinance, Amendments to Chapter 17 - Maximum Floor Area for Non-residential Structures. Ray Gilmore gave an overview of this second reading of an ordinance to define floor area limitations for commercial structures in four zoning areas, RB-1, WM, B-2, and C-1. He added that upon adoption of an Urban Growth Area Map, for purposes of future annexation, the standards would apply at the time that annexation was granted. He added that because this was the second reading, and several public hearing had been held on this item, any additional public testimony was at Council's discretion. Councilmember Picinich said he did not think any additional public testimony was necessary.

Carol Morris, legal counsel, pointed out that there was no definition of “commercial structures” in the zoning code, and suggested requesting the Planning Commission to consider a definition to be included in the ordinance at a later date.

Mr. Gilmore gave a history of the intent of the code and answered questions regarding bulk and scale of buildings and separation of building with fire walls and separation distances.

Jack McCullough - 2025 1st Ave. - Mr. McCullough explained that he had arrived late after the sign up sheet was gone and asked to speak. Mayor Wilbert allowed him two minutes. He passed out copies of his letter of January 8th that he had previously submitted. He explained that the ordinance would not serve the purpose of regulating bulk and scale of buildings in the community. He said it is common to construct multiple commercial buildings comprised of independent structures that share common walls as long as they meet fire code standards. He said if the issue is bulk and scale, it could be addressed through a design review process.

Councilmember Owel requested the speaker state his specific interest. Mr. McCullough said he was an attorney for Wal-Mart Stores and a site on Point Fosdick Road is being considered for a store.

Councilmember Markovich pointed out that it doesn't do any good to limit the size of a building if they can put several of them together. He said that bulk and scale could not be regulated that way, and asked why the size of building versus lot size was not being considered as it is in other areas. Mr. Gilmore explained that it was because these are two different, commercial districts in the city and the proposed Urban Growth Area, and it does not apply to residential. Mr. Gilmore explained that at the time this was initially adopted, there were no design guidelines, and this is a partial measure until guidelines could be adopted to address bulk and scale. He added that the Planning Commission had looked at floor-area ratio for buildings in the city, but didn't feel it would be a solution because of building height limitations.

MOTION: Move we adopt #716 and that we go back to the Planning Commission and get a definition of commercial structure.
Picinich/Ekberg -

Councilman Ekberg asked to separate the two motions. Carol Morris agreed.

AMENDED MOTION: Move we adopt #716.
Ekberg/Picinich - unanimously approved.

Councilmembers and the staff discussed what they would like to be incorporated in a definition of commercial structure. Mr. Gilmore assured them that the Planning Commission would bring back several options for their consideration.

MOTION: Move we instruct the Planning Commission to define “Commercial Structure” to be encompassed with Ordinance 716.

Picinich/Owel - unanimously approved.

Councilman Picinich asked when the Design Guidelines would be completed. Steve Osguthorpe, Planning Associate, explained that a very thorough draft was almost completed and would be presented to the Planning Commission in April. He added that joint worksessions would be held shortly after that. Mr. Gilmore said that due to public interest, the guidelines wouldn't be ready to present to Council until May.

3. Utility Extension Request - David and Mimi Hill / Reconsideration. Mark Hoppen explained that to address this issue, a motion was required by a Councilmember who voted for the denial of this request for sewer to property adjacent to city limits on Soundview Drive reconsidered.

MOTION: Move we reconsider the David Hill request for sewer extension at the corner of 64th and Soundview Drive.
Picinich/Markovich - unanimously approved.

Mr. Hoppen explained that Councilmember Picinich suggested that the connection be approved as soon as a petition for annexation is found to be sufficient. Councilmember Owel asked for clarification on if the property was in County compliance and what would happen if annexed to the City. Mr. Gilmore explained that if the property were to apply for a change of use or modification of the property, they would become non-conforming and would have to come into compliance with the R-1 zoning.

Councilmember Markovich requested that a policy be set on how to handle outside utility extensions.

MOTION: Move we approve the Hill sewer extension contingent upon a submission of a sufficient annexation petition.
Picinich/Owel - three voted in favor. Councilmember Ekberg voted against.

A worksession to discuss utility extension policy will be scheduled.

Dick Allen - 3603 Ross Avenue. Mr. Allen voiced his concerns that this property would claim grandfather rights further back than anyone could remember and there was no policy on that. Mayor Wilbert told him that when they tried to add on or change use, the use would no longer be grand-fathered.

4. Reconsideration of Renewal Agreement with Gig Harbor Little League for City Park Use. Mayor Wilbert asked for a motion for reconsideration of this item.

MOTION: Move we reconsider our decision two weeks ago in regards to the Little League.
Picinich/Markovich - three voted in favor. Councilmember Ekberg voted against.

Councilmember Ekberg said he loves baseball as much as everyone else but is concerned that last year the Little League was approved for a one-year contract and they are coming back again for another year. He added that Little League is a wonderful organization, but was concerned that other good organizations might be left out. He said that the Council needs to come up with a policy to handle park usage to deal with these situations.

Councilmember Picinich spoke in favor of the park being used for the Little League and that he had not heard any complaints. Carol Morris reminded council about needing to remove paragraphs A and B of the contract for liability reasons.

MOTION: Move we grant a one year extension with the Little League to use the City Park, deleting paragraphs A and B, and limiting use of the park to Tuesday through Friday afternoons and all day Saturday.
Picinich/Markovich - unanimously approved.

NEW BUSINESS:

1. Request for Site Plan Approval - Cheri Grant, SPR 95-11. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. Councilmember Ekberg stated that because he lived within 300 feet of the proposed project and was a party of record, and is former client of Ms. Grant he should speak out. He added that he did not feel either of these issues would affect his ability to be impartial in this matter. There were no further comments. Steve Osguthorpe gave an overview of the request to expand this office space at 7306 Stinson Avenue. He explained that staff had no concerns with the request and answered Councilmember's questions.

MOTION: Move to adopt Resolution No. 464 granting site plan approval for the construction of a 1,469 square-foot expansion of the existing office building at 7306 Stinson Avenue.
Markovich/Picinich - unanimously approved.

2. Resolution - Amendment to Fee Schedule. Ray Gilmore gave an overview of the amendments and explained that because pages were missing from Council's packet, this item would be brought back for consideration at the next meeting.
3. Court Request for Videophone. Mark Hoppen presented this request by the Municipal Court to install a videophone to conduct video arraignments between the City and Pierce County jail. He added that this would be of mutual benefit to all, especially the city police officers who would not have to spend time transporting defendants. Mayor Wilbert introduced Judge Marilyn Paja, judge for the municipal court, who gave an overview of how the system would work. She told Councilmembers that the system was for the convenience of the police officers, saving a round-trip transport of two hours, and adds a certain amount of safety to the community by minimizing the transportation of defendants. She explained the costs that

would be incurred with the system and explained that District Court II had expressed an interest in sharing the system which would help to defray the cost.

MOTION: Move we approve the purchase of two videophones to connect our Municipal Court with the Pierce County jail for the price of \$2,050.10 plus installation expenses of \$268.50 and approval of the monthly fees of up to \$350 per year. Markovich/Picinich - unanimously approved.

MAYOR'S REPORT: Mayor Wilbert gave an update on several safety issues around town. She commended the Public Works Department for their efforts over the past six months in implementing solutions to several hazards.

COUNCIL COMMENTS:

Councilmember Markovich commented that he had been approached by a gentleman from the Masonic Lodge about placing their placard on the community boards at the entrances to the City, of which there is no more room. He added that he had instructed the gentleman to contact someone at City Hall, but he had not received an answer from anyone. He said the Masons were willing to reconstruct the sign to make more room and asked what steps they should take to move forward. Mr. Hoppen said that the non-conforming sign was on city property and there may be a question of how many more might be placed on one location. He added that he was not sure who constructed the signboard, and, therefore, was unsure of who to contact as far as adding any additional. Councilmember Markovich gave a history of the construction of the board and Councilmember Ekberg suggested that the City should take over the administration and maintenance for future use. Mr. Hoppen said he felt these signs make a strong statement to community and offered to research the options and come back with a report.

Councilmember Ekberg asked to set a meeting date and time to discuss utility extensions and park policy. Councilmember Markovich asked that all appropriate information be made available for consideration. The meeting will be held on the first Monday in May, the 6th at 5:00 p.m. at City Hall.

STAFF REPORT:

1. Wes Hill - Public Works Projects Update. Mr. Hill passed out a project status report and gave a brief update on several projects. He explained that approximately 200,000 gallons of City water was lost when the water line on Harborview Drive / Stinson Avenue intersection ruptured. He talked about the new street lights on Harborview Drive and asked for comments. He gave an overview of the progress of the Wastewater Treatment Plant expansion and added that the anticipated commissioning period would begin the first of April. He spoke about the upcoming street improvement projects and the concerns that construction would interfere with the 50th Anniversary Celebration. He recommended that the Biosolids Mixing Facility and Jerisich Dock Extension projects be delayed until further information could be gathered. He added that the Kimball Drive Park and Ride and signal light at Wollochot and SR16 could begin in late summer. The final item he spoke about was the impact fee ordinance that would be forthcoming.
2. Maureen Della Maggiora - 50th Anniversary Celebration Update. Mayor Wilbert introduced

the schedule of events put together by Maureen Della Maggiora. She added that these are activities that have been suggested by members of the community, and that this was a draft schedule to be changed as necessary. Mayor Wilbert then spoke about the 16 page insert that was being published by *Accent Magazine* advertising the community and upcoming events.

ANNOUNCEMENT OF OTHER MEETINGS:

1. 50th Anniversary Committee Meeting - 4:30 to 5:30, Tuesday, February 27th, at Gig Harbor City Hall Conference Room
2. Pierce County Council Meeting - Tuesday, February 27th - 7:00 p.m. at Gig Harbor City Hall.
3. Council Worksession on Utility Extensions and Park Policy - Monday, May 6 - 5:00 p.m. at City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15502 through #15550 in the amount of \$97,329.35.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION:

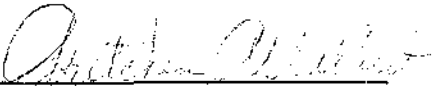
MOTION: Move to adjourn into Executive Session for the purpose of discussing a property acquisition and potential litigation for approximately twenty minutes.
Owel/Ekberg- unanimously approved.

MOTION: Move to return to regular session at 9:27 p.m.
Picinich/Ekberg - unanimously approved.

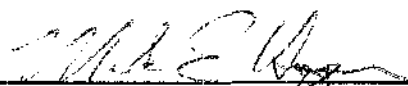
ADJOURN:

MOTION: Move to adjourn at 9:27 p.m.
Picinich/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 416 Side B 147 - end.
Tape 417 Both sides.
Tape 418 Side A 000 - end.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF MARCH 11, 1996

PRESENT: Councilmembers Picinich, Owel, Ekberg, Platt, Markovich and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION: None.

CALL TO ORDER: 7:04 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the February 26, 1996 meeting as presented.
Picinich/Ekberg - unanimously approved. Councilmember Platt abstained.

CORRESPONDENCE:

Mayor Wilbert mentioned several pieces of correspondence she had received too late to include in the packet, including information from the Lady Washington, Puget Sound Regional Council, Association of Washington Cities, Viacom Cable, and two regarding Growth Management Hearings. She announced that these items were in the reading basket. She gave a description of the new Washington State - 1995 Data Book of statistics and encouraged Councilmembers to take a look at the book when they could.

OLD BUSINESS:

1. Resolution - Amendment to Fee Schedule. Ray Gilmore presented this resolution amending the fee schedule for review of projects in Pierce County which include a request for City utility services. He added that the fee for review of these projects was 50% of in-city rates because they do not require a hearing examiner review, legal notices, site review by the City, and there was minimal file management.

MOTION: Move to approve Resolution No. 465.
Markovich/Owel - unanimously approved.

2. Planning Commission Schedule - Adult Entertainment Moratorium. Ray Gilmore introduced this memo from legal counsel outlining the schedule set by the Planning Commission at their February 29th meeting. The schedule of meetings are for public hearings and additional meetings to develop an adult entertainment ordinance during the one-year moratorium period passed at the council meeting of February 12, 1996. He added that the first public hearing would be held on April 8th.

NEW BUSINESS:

Mayor Wilbert asked to add an Item 7 - Proclamation, to New Business.

1. Annexation of Westside - Request for Consideration to Annex (10% petition.) Ray Gilmore presented this annexation petition. He explained that signatures from 10% of the assessed value of the proposed annexation area were required for initial consideration, and that

signatures for 19.1% of the properties had been received. He gave a brief history of the unsuccessful annexation attempts in the past, and offered two options for consideration. He explained that the petition method did not incur much expense by the City, but that the additional 60% petition signatures might be difficult to obtain. The second option would be for Council not to accept the 10% petition and place the annexation on the election ballot for the residents in the proposed annexation area to vote upon. He added that the City would be responsible for the expense of the election and that he had been unable to reach Pierce County to confirm the cost of placing this on the ballot. He used a large map to illustrate the boundaries of the annexation and to show which property owners had signed the petition.

Councilmember Picinich asked if signatures were still being gathered and how many subdivisions were in the proposed area. Mr. Gilmore explained that the deadline for signatures had passed and that there were approximately ten subdivisions.

Councilmember Markovich voiced his concerns that the election method would exclude input from the business owners, who produce most of the revenue from that area. He added that the business community did not approve of the City's sign code or recent zoning changes. Mark Hoppen said he had done an informal inventory of the signage in the annexation area and that approximately 20 signs out of the 100 or so would be affected, and they would have seven years to come into compliance. He said the square footage zoning restriction was the other significant issue to the commercial property owners. He referred to the letter received from the Westside Business Owners and added that their lack of desire to participate in the annexation effort, unless Council was willing to negotiate, was clear.

Councilmember Owel said she was concerned about business owners that were tenants who were not represented by the Westside Business Owners organization. She said that these tenants had no say either way.

Councilmember Ekberg said that the business owners may not like the sign code, but they like the sewer service. He added that the annexation should be driven by the people living there. He said the election process appears to be the best method.

Mayor Wilbert said she had spoken to several of the business tenants and they had shared their concerns about on-going safety and traffic problems. She said these problems could be addressed if the area was annexed and that these people would work with the City.

Mr. Gilmore answered question about the election process and that Council had 60 days in which to respond to the 10% petition. He said he could prepare a resolution to place the annexation on ballot for Council's consideration at the council meeting of March 25th, and that the lead person for the 10% petition would be advised to attend the meeting.

MOTION: Move to prepare a resolution outlining annexation by election to be considered at the next council meeting.
Picinich/Ekberg -

Councilmember Platt asked how many additional staff would be required if this annexation were completed. Mr. Gilmore said he would need one additional code enforcement person, and the police department anticipated the addition of four officers. Wes Hill said he would have to do some research to determine how many additional public works crew members would be required. Mr. Hoppen explained that the 1996 Budget shows what was estimated to be needed in all departments.

Mayor Wilbert called for the question.

RESTATED MOTION: Move to prepare a resolution outlining annexation by election to be considered at the next council meeting.
Picinich/Ekberg - unanimously approved.

2. Consolidation of the Municipal and District II Court Services. Mark Hoppen introduced this proposal to consolidate the Municipal Court with District Court II on Kimball Drive. He gave an overview of both the negative and positive points of consolidation and described the steadily increasing cost of the Municipal Court over the years. He said after assessing the information over the past eight months, consolidation of the courts would be an example of government working together to better serve the peninsula and would be of economic advantage to both jurisdictions.

Judge Marilyn Paja introduced the memo she had given to Councilmembers earlier in the evening and explained the information was to expand upon her memo of September 10th. She added her memo addressed several issues and that she had approached the information two ways; one, the direct cost benefit analysis; and two, the non-monetary aspects. She pointed out that the Municipal Court had come in under budget almost every year and had taken steps to utilize user fees to make the court more efficient. She voiced her concerns about appellant costs, audit costs, and talked about the City's ordinances that would not be enforced if the courts were to consolidate. She then spoke to the non-monetary issues and added that she felt strongly that consolidation should be an issue of citizen concern and input.

Gerald Johnson, prosecuting attorney for the city, gave a history of his experience and working relationship with the Police Department and Judge Paja. He used the District Court on 6th Avenue as an example of a poorly run system and warned Councilmembers that no one could predict what could happen in ten years as far as case load in Judge Farrow's court.

Steve Bowman, employee guild representative and City Fire Marshal, told Council that everyone was concerned about how the consolidation would affect the court employees and their families. He then spoke to the issue that any codes that are unusual to the state code could not be adopted, and cited the city's smoke detector law as an example. He encouraged Council to consider what other areas the consolidation may effect.

Chief Mitch Barker reinforced that we could not predict what would happen in the next ten years and asked that Council consider the level of service issues. He voiced his concern that the cases filed by the City would fall to the bottom of the pile.

Carol Morris, legal counsel, answered several questions that had been brought up. She explained that the city attorney could prosecute the city civil code, and that would not be affected by the incorporation. She voiced her concerns that the contract lacked enforceability for level of service and cost, and that once the Municipal Court was dissolved, it could not be reinstated for a term of ten years.

Councilmember Platt said he didn't think the consolidation should be considered only because of financial status. He voiced concerns regarding control, enforceability, prosecutor response, and civil enforcement. He added he didn't think it was a good message to send to our employees and that he couldn't support the resolution.

Councilmember Ekberg agreed that he was concerned with loss of control and said he didn't feel consolidation was in the best interest of the citizens.

Mark Hoppen assured Council that the assignment of a full time employee for misdemeanants for city cases would ensure the level of service, and in fact, where we only have a prosecutor for one or two days a week, the incorporation would allow for a prosecutor on five days a week. He said that the agreement was to the County's advantage, and they would be in favor of keeping the level of service satisfactory. He added that the job being done here at Municipal Court was being done well, but it was a duplication of services and the revenues could be better used to serve the community.

Councilmember Markovich gave examples of his experience with municipal court systems and added that the incorporation of these courts was an exciting prospect. He stressed that the growth that would occur within the next few years with annexations would have a great deal of impact on the court system, and the possibility of saving over one-half a million dollars over the next ten years was much better than suffering with the spiraling costs of a court system. He said he did have concerns with the contract, but that these issues could be worked out. He said his experience with District Court II had been positive and stressed that the people coming to court aren't in the least concerned with the level of service. He said the risk is outweighed by the reward. He added he was sorry about the employees, and that Judge Paja, Catherine Washington, and Garry Johnson have done a great job, and that it was a hard decision to have to make. He suggested a workshop to discuss the issues further.

Councilmember Owel asked for a more comprehensive comparison of the figures. She asked who would audit the court and if the City of Gig Harbor would have any role in this. Tom Enlow, Finance Director, explained that the county would be keeping the City's records separate, and that the contract called for regular reconciliations, in which the City would be involved.

Councilmember Ekberg added that he appreciated Councilmember Markovich's comments, and that he would defer to more discussion. Mark Hoppen pointed out that the employees affected would appreciate a timely decision. Councilmembers were encouraged to visit and observe other courts before the worksession.

MOTION: Move to postpone this decision until a time definite to the first council meeting after a workshop to discuss the issues.
Owel/Markovich - unanimously approved.

Carol Morris offered to research the level of service language to find out if Pierce County would be willing to be more explicit. The workshop was set for April 29th at 6:00 p.m. The incorporation will be brought back before Council at the May 13th council meeting.

3. First Reading - Ordinance to Correct 1996 Salary Schedule. Tom Enlow explained that there was an error in the salary schedule for the Administrative Receptionist included in the 1996 budget and this ordinance was to correct the error. The ordinance will return at the next meeting for a second reading.
4. Request for Emergency expenditure to Repair Harborview/Stinson. Wes Hill, Public Works Director, explained that the damage to Harborview/Stinson streets during a recent water main break would require repair work beyond the scope of what the Public Works crew could perform. He added that the repairs were estimated at \$30,000 and funds were available in the Street Operating Fund through deferment of other projects.

MOTION: Move to authorize the Public Works Department to obtain quotes for the street repair.
Owel/Ekberg - unanimously approved.

5. Appointment of Civil Service Board Commission Members, Bill Owel and Pat Gregory. Mayor Wilbert recommended a motion to approve the two new members to the board. Councilmember Owel recused herself from the vote.

MOTION: Move to approve the appointment of Bill Owel and Pat Gregory to the Civil Service Commission Board.
Markovich/Picinich - unanimously approved.

Councilmember Owel returned to the Council chambers.

6. Liquor License Renewals - Eagles, Maritime Mart, and Tides Tavern. No action taken.
7. Proclamation - Week of Honor and Praise to be Shared by All. Mayor Wilbert read this proclamation congratulating the Gig Harbor High School Basketball Team for winning the Washington State Class AA Championship.

MAYOR'S REPORT:

Urban Forestry Grant. Mayor Wilbert presented this effort to obtain grant funds to prepare a plan for planting and maintenance of trees on public lands and right of ways within the city.

COUNCIL COMMENTS: None.

STAFF REPORT:

1. **Ray Gilmore - Planning Department.** Ray gave a brief overview of the progress of several projects that the Planning Commission had been working on. He said their recommendation for a proposed zoning map for outside city limits, excluding the Gig Harbor North area, would have a first hearing at the council meeting of March 25th. He added that the Planning Commission had a hearing on the 21st to review the parks and recreation plan. He said that updates to the Shoreline Master Plan and Environmental Codes were necessary to bring them into compliance with the Regulatory Reform Act and make it consistent with the new Title 19. He said a worksession to review the Design Guidelines was scheduled on April 18th and should wrap up in mid-May. He added that sign code update work sessions would begin in early May with a recommendation to Council in late June or early July.
2. **Chief Mitch Barker - Police Department.** Chief Barker gave a brief report on the activity statistics for February. He said the department had done an inventory of training needs and have scheduled some basic certification training classes. He added he had begun attending the meetings for the 50th Anniversary to stay informed. He said the police records software system company had gone out of business, removing software support or future enhancements, facilitating the need to find a replacement system in the future. He gave a report on the plan to upgrade the Reserve program and added that the Explorer program was progressing well.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Council Worksession on Court Consolidation - Monday, April 29th - 6:00 p.m. at City Hall.
2. Council Worksession on Utility Extensions and Park Policy - Monday, May 6 - 5:00 p.m. at City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15551 through #15650 in the amount of \$152,158.24.
Owel/Platt - unanimously approved.


APPROVAL OF PAYROLL:

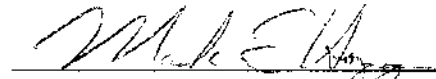
MOTION: Move approval of checks #12273 through #12387 in the amount of \$186,654.67.
Owel/Platt - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:21 p.m.
Platt/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 418 Side B 000 - end.
Tape 419 - Both Sides.
Tape 420 Side A 000 -end.
Tape 420 Side B 000 - 240.


Mayor


City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF MARCH 25, 1996

PRESENT: Councilmembers Picinich, Owel, Ekberg, Platt, Markovich and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION: None.

SPECIAL PRESENTATION: Bill Lokey, Pierce County Emergency Management.

Mayor Wilbert introduced Bill Lokey, Director of the Pierce County Emergency Management Program. Mr. Lokey gave a brief history of the Emergency Management program and explained that under Washington State Law, cities, counties, and towns have a requirement to have an emergency plan in place. He said that EMS focuses on public education, training, planning, and building interagency cooperation. He handed out a draft scope of work and explained that if the City chooses to contract with PCEM, that it could help guide the City through the maze of Federal and State requirements, but it would not relieve the requirement to be prepared. He encouraged the City to get organized. Mayor Wilbert asked Mr. Lokey to return at a later date and to bring back the contract for Council's review.

CALL TO ORDER: 7:19 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the March 11, 1996 meeting as presented.
Picinich/Platt - unanimously approved.

CORRESPONDENCE:

1. AWC - Transportation Revenue Increase - Request for Projects. Mayor Wilbert asked if any Councilmember had recommendations beyond the City's Six-Year Transportation plan that could be submitted to AWC.
2. Pierce County Fire District No. 5 - Emergency Operations Center. Mayor Wilbert introduced this letter from PCFD No. 5 introducing their new Emergency Operations Center.
3. Harbor Heights Elementary - D.A.R.E. Mayor Wilbert gave an overview of this letter from staff at Harbor Heights Elementary praising the D.A.R.E. program and asking that the City keep the program active.
4. Junior Daffodil Festival - Kathryn Alvord. Mayor Wilbert talked about what a fine effort this festival and parade was in involving the young people in the area and encouraged everyone to attend.
5. Viacom Cable - Temporary Restraining Order. Mayor Wilbert said that as she receives correspondence regarding the regulation of the cable company, she would include it for Council's information.

6. United Way - Olympic Torch Relay - Rachel Ashabraner. Mayor Wilbert announced that Rachel Ashabraner, daughter of former employee, Karin Ashabraner, had been chose to carry the Olympic torch during a portion of the relay coming through Gig Harbor, and encouraged the public to support Rachael during her portion of the relay.

OLD BUSINESS:

1. Westside Annexation Petition - Request For Consideration. Ray Gilmore gave a history of the annexation and described the petition and election options for annexation. He explained the requirements for each option and gave a summation of the process. He introduced the memo from Jim Haney, Ogden Murphy Wallace, which contains an in-depth explanation of the election method of annexation, and a sample resolution. Ray advised the Council that they had two options to discuss; the acceptance of the 10% petition for annexation, or rejection of that petition, and utilization of the election method.

Councilman Picinich stated he was ready to move forward and make a motion. Carol Morris, legal counsel, advised Council to discuss the annexation petition and take action to accept or reject it before moving ahead to discuss the election method.

Burt Talcott - 2720 42nd St NW. Mr. Talcott thanked Council for the opportunity to speak and present the annexation petition. He gave a history of the annexation process over the past nine years and the recent developments that led to the renewed efforts. He said that the business owners were reluctant to begin another annexation effort without the support of the residential areas, and so an organized petition drive began to show the residents' support. He said they are genuinely interested in promoting the annexation because they feel it is in the best interest of all involved. He encouraged Council to accept their petition or exercise their option to deny the petition and to call for an election, and added that the residents would like the election to be done by mail.

Linda Gair - 5001 38th Ave. NW - Ms. Gair introduced herself as the owner of two businesses in the downtown Gig Harbor area, and a resident of the proposed annexation area. She said that the annexation was for the greater good of the area and urged Council to move ahead.

MOTION: Move we reject the petition method for annexation.
Picinich/Ekberg - unanimously approved.

MOTION: Move to approve Resolution No. 466 initiating a process in calling for an election to be held in the territory proposed for annexation known as the Westside Annexation area.
Picinich/Owel -

AMENDED MOTION: Move to amend the motion to include language to request the election be done by the mail method.
Ekberg/Picinich -

Ray Gilmore addressed Mr. Haney's memo to council, regarding pre-annexation zoning. He said this was the only point made by Mr. Haney that had not been addressed in the resolution. He added that it was his recommendation to include simultaneous adoption of zoning for the area upon annexation as part of the resolution. Carol Morris advised that if Council wished this to be included, the resolution would have to be brought back with a change to include the acceptance of pre-annexation zoning designations with the proposed zoning attached as an Exhibit 'A'. Councilmember Markovich asked when the UGA zoning would be available. Ms. Morris explained that she had asked that the map be removed from the Council packet because it was an ordinance adopting the map without the actual zoning ordinance itself. Ray added that an ordinance on zoning would require a public hearing.

Councilmember Markovich asked if it were decided to include pre-annexation zoning with the resolution, if there would be enough time for the public hearing process. Mr. Gilmore explained that by law, at least two hearings, thirty days apart, would be required on a pre-annexation zoning review, and there was sufficient time to do that.

Councilmember Picinich asked if there would be any negative consequences by leaving the pre-annexation zoning out of the resolution. Mr. Gilmore explained that there wouldn't be any problem with passing the resolution without the pre-annexation zoning, because the City has a comprehensive plan for the area, and that the zoning itself would be an implementation of the Comprehensive Plan. He said that if the pre-annexation zoning was not included, due to the required public hearings, we would be receiving public testimony and input on the appropriateness of the zoning designations. Ms. Morris explained that the difference is that when you adopt pre-annexation zoning in the proposition, the people would be voting on zoning along with the annexation. If not included, the Council will be making the decision on the zoning independent of the annexation process through the public hearing process.

RESTATED AMENDMENT: Move to amend the motion to include language to request the election be done by the mail method.
Ekberg/Picinich - unanimously approved.

RESTATED MOTION: Move to approve Resolution No. 466 initiating a process which calls for an election to be held in the territory proposed for annexation known as the Westside Annexation area, requesting the election be done by the mail method.
Picinich/Owel - unanimously approved.

2. Second Reading - Ordinance to Correct 1996 Salary Schedule. Tom Enlow introduced the second reading of this ordinance to correct the salary schedule for 1996 and recommended council adopt the ordinance.

MOTION: Move to adopt Ordinance No. 717.
Markovich/Ekberg - unanimously approved.

NEW BUSINESS:

1. **First Reading - Ordinance to Segregate ULID No. 2 Assessments.** Tom Enlow introduced this ordinance to support a request to segregate ULID No. 2 assessments on property owned by Oattie Ladd. He added that the parcels have previously been segregated for property tax purposes, and that Mr. Ladd was seeking a simpler method of distributing property costs to his tenants. This agenda item will return at the next council meeting for a second reading.
2. **North Harbor Business Park Utility Request.** Mark Hoppen introduced this request for 30 ERU's sewer and two water hookups, possibly leading to 18 in the future, on property just north of the City on Burnham Drive. He explained that the project is currently approved for septic drainfield and commercial water flow from construction of a water tank. He added that he had a letter from surrounding residents in Avalon Woods requesting that the water connection be allowed as to prevent the construction of the water tank.

Councilmember Ekberg asked if the City Staff had reviewed all the plans for compliance with City Standards. Mr. Hoppen assured Councilmembers that the plan had been reviewed to fulfill City requirements per an approved Pierce County Site Plan.

Carol Morris explained that the language under 12a of the contract had been suggested by the applicant's attorney and that he had subsequently requested to add additional wording to include the Pierce County Hearing Examiner's decisions of August 18, 1992 to be added as an Exhibit to this paragraph.

Councilmember Ekberg asked if the project, if located within city limits, would meet all the City's standards. Mr. Gilmore said that within the mixed zone designation, it not only meets, but exceeds the city's standards under the current zoning. Mark Hoppen referred to section 15 of the contract and deferred to Wes Hill to explain the relative improvements. Mr. Hill gave an overview of the improvements that would be provided by the project that conform to the City of Gig Harbor Public Works Standards.

MOTION: Move we approve the utility extension as requested with addendum suggested by legal counsel.
Markovich/Picinich - Councilmembers Picinich and Markovich voted in favor. Councilmembers Owel, Platt, and Ekberg voted against the motion.

Mayor Wilbert asked that this item come back for review, and Mr. Hoppen explained that it could only return for consideration at the request and motion of one of the dissenting voters. Carol Morris said it could also be brought back if the applicant amends their application.

Councilmember Owel said she would reconsider her decision, but was concerned with the language in Section 12a regarding the seven year term agreement. Councilmember Markovich explained that this language guaranteed the developer some certainty to be able to build to the same regulations that they have been approved for at this time. He added it was not an unreasonable request.

Councilman Platt said he would be willing to reconsider if the applicant would submit an annexation petition. Mr. Gilmore explained that they already were part of the Gig Harbor North Annexation, and that they could not submit their own. Councilman Platt then asked what the vesting period with Pierce County for their final site plan. Carol Morris suggested a motion be brought forth before any other discussion occur.

MOTION: Move for reconsideration.
Owel/Picinich - unanimously approved.

Wade Perrow - 9119 No. Harborview Drive. Mr. Perrow said that the business park has a binding site plan from Pierce County, and added that he is assured and granted protection by the City's Comprehensive Plan, passed in October of 1994, that says any vested site plan from the County will be an outright permitted use in the city. He pointed out several amenities that were designed into the project and added that the permits are waiting for a decision to be made on obtaining water. He said that water could be obtained by constructing an approved, 56' high water tank, with water provided by Harbor Water. He added that the sewer line serving the Pope Resources property, runs right through the business campus. He explained that it would be far less expensive to build a water tank rather than running the water line from the Women's Correction Center, and added that \$20,000 had been spent in engineering the water line, while working with the Public Works Director, to reroute the line and rewrite the City's Water Comprehensive Plan to facilitate the North Gig Harbor annexation area. He said he is not asking the city for a ULID, but plans on turning the water line over to the city upon completion, hoping for latecomer's fees.

Councilmember Ekberg said that other than his historical reluctance to extend utilities outside city limits, his main concern is that a proposed development will not conform to city standards. He added that the additional information that this project has shown that there are areas that are more restrictive than the city would require. He asked that the applicant and the city work together on the project to make sure the project would be conforming. Mr. Perrow assured him he had been working closely with City Staff.

Carol Morris asked if Mr. Perrow knew when the site plan with the County would expire. Mr. Perrow said he believed it was a binding site plan with no date of expiration, and that with each application for a building permit, they were required to comply with the current County requirements. He added they would begin construction of building number 8 & 9 this summer.

Mayor Wilbert said she appreciated the 200' buffer and how the applicants had worked with the surrounding property owners while designing the project. Mr. Holmaas, the other project applicant, answered questions regarding the sound level testing that had been performed. He added that both adjoining neighbors were in favor of the project.

Dick Allen - 3603 Ross Avenue. Mr. Allen asked when storm water improvements could be expected. He said that North Creek had been negatively affected by runoff from the property during the winter storms. Mr. Perrow answered that several properties contributed

to the problem. He added that the two retention ponds included in his project were designed to meet requirements to handle stormwater, along with the paving and storm drains. He said the area had been planted with seed, but not all of it had germinated.

MOTION: Move we approve the utility extension as requested with addendum suggested by legal counsel.
Markovich/Picinich - unanimously approved.

3. First Reading - Ordinance Establishing New Sewer Customer Class. Tom Enlow introduced this ordinance establishing a new customer class for community systems using flow meters and providing changes in the sewer rates. This will return at the next council meeting for a second reading.
4. Resolution Supporting Sports Field Acquisition. Mark Hoppen presented this resolution formalizing the City's support in the effort between Pierce County and Mr. Jim Tallman to develop a ballfield within city limits. He introduced Paul Cyr, who represents Mr. Tallman, to answer any questions.

Paul Cyr, representative for Jim Tallman. Mr. Cyr said the County was very appreciative of the letter of support that had been sent, but that they were requesting a more formal form of support. He encourage Council to pass the resolution and offered to deliver the signed resolution to the County. He added that the intent of the project was that Mr. Tallman would develop the complex at his expense and exchange the appraised value of the property and improvements for county surplus properties, which had yet to be determined.

MOTION: Move to approve Resolution No. 467.
Picinich/Markovich - unanimously approved.

MAYOR'S REPORT: Invitation from Department of Defense. Mayor Wilbert gave a report on the invitation to fly to Scott Air Force Base in Illinois in a C-141. She offered her reserved place to any Councilmember who would be interested.

COUNCIL COMMENTS: None.

STAFF REPORT:

Mark Hoppen passed out the results from two-months advertising for a Hearing Examiner. He and requested an extension of the current Hearing Examiner's contract to allow for review of the applications.

MOTION: Move to extend the current Hearing Examiner's contract for three more months.
Ekberg/Markovich - unanimously approved.

ANNOUNCEMENT OF OTHER MEETINGS: None.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15651 through #15713 in the amount of \$53,092.29.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 8:40 for the purpose of discussion litigation issues, property acquisition and property disposition for approximately 30 minutes.
Picinich/Platt - unanimously approved.

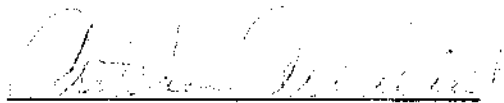
MOTION: Move to return to regular session.
Picinich/Platt - unanimously approved.

MOTION: Move we direct the City Attorney to draw up a purchase of sale agreement between the City and the Chamber of Commerce, to include a public use clause, to be brought back for consideration.
Ekberg/Owel -four voted in favor. Councilmember Markovich recused himself from this item.

ADJOURN:

MOTION: Move to adjourn at 9:13.
Owel/Platt- unanimously approved.

Cassette recorder utilized.
Tape 418 Side B 000 - end.
Tape 419 - Both Sides.
Tape 420 Side A 000 -end.
Tape 420 Side B 000 - 240.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF APRIL 8, 1996

PRESENT: Councilmembers Picinich, Owel, Ekberg, Platt, Markovich and Mayor Wilbert.

SPECIAL PRESENTATION:

Sister City Update. Mayor Wilbert introduced Elizabeth Smyth and Monica Johnson, students from Discovery Elementary School, who have been active in the Sister City Program between Gig Harbor and the City of Poronysk in the Sakhalin Islands, Russia. She also introduced Ted Condiff, the Russian contact for the program, and Carol Olsen, teacher at Discovery Elementary assisting the students. The students gave a brief presentation, read and sang a poem, and asked for support in continuing the Sister City program. They presented Mr. Condiff with an envelope filled with pen pal letters to be delivered to the children in Poronysk. Mayor Wilbert presented the students with pennies for their drive and thanked the girls and said that due to their caring efforts, they bring hope to our Country. She added that the request to support the program was an agenda item under new business.

PUBLIC COMMENT / DISCUSSION:

Wade Perrow - 9119 North Harborview Drive. Mr. Perrow said he had drafted a letter for the Mayor and Councilmembers stating his concerns regarding the proposed Evergreen Lutheran High School, to be built on Drummond Drive. He said that the main traffic flow to the school for the 200 plus students would be through the city, adding traffic on already overburdened streets. He encouraged Council to take a proactive stance and make recommendations to Pierce County to require the connection of the East-West Road between Crescent Valley Drive and Peacock Hill to support the added vehicle traffic created by the school.

SPECIAL PRESENTATION:

Bill Lokey, Pierce County Emergency Management. Mr. Lokey gave a slide show presentation and explained the services provided by Pierce County Emergency Management. Mayor Wilbert explained that Councilmembers and Staff would review the contract and the work elements that they would like to be included, and bring back the contract at a later meeting for consideration.

PUBLIC HEARING:

Moratorium of Adult Entertainment. Mayor Wilbert opened the public hearing at 7:55. Carol Morris, legal counsel, presented a brief overview of the ordinance to continue the one-year moratorium on the acceptance of applications for permits and licenses for adult entertainment uses. She explained that the time was needed to consider the factors involved. She said that Ray Gilmore, Planning Director, would speak to the land use issues, and Mitch Barker, Police Chief, would talk about the impact on law enforcement due to adult entertainment.

Ray Gilmore, Planning Director. Mr. Gilmore explained that the current zoning code does not address adult entertainment at the current time. He added that the Planning Commission had to do a balancing act between constitutional law and the will of the community, therefore the one-year

moratorium was necessary to develop an effective adult entertainment ordinance to bring to Council for approval.

Mitch Barker, Chief of Police. Chief Barker showed Councilmembers a four inch thick notebook of study material put together by the City of Federal Way on adult entertainment and gave a summary of the impacts adult entertainment has shown to have on law enforcement. He gave several examples of studies done by different cities and stressed that the studies show a dramatic increase in crime in areas that have adult entertainment establishments. He stressed that commercial vice is time intensive, expensive, and requires more police response, placing a strain on small agencies. He said it was in the best interest of the City to formulate zoning to regulate these activities. He gave the Federal Way study to Carol Morris.

Carol Morris concluded the staff's presentation by explaining to Council that the City had two options; one to do their own study on the effects of adult entertainment, or two, to adopt other jurisdiction's studies.

Lang Taylor - 2103 25th St. Ct. NW. Mr. Taylor explained that he was present to speak on two levels. He said that as a community member he was glad that other jurisdictions' studies were being utilized. He added that he advocated not having adult entertainment at all, and if so, that the rules be stringent. He offered to serve on any committee that might be required to develop regulations. He added that he had been a registered counselor, a certified sex offender treatment provider, for over 25 years. He said that he had first-hand knowledge how adult entertainment and its peripheral paraphernalia fit into his businesses. He said he had given presentations on pornography to the State Legislature, and nationally.

Ron Bentley - 7316 82nd St. Ct NW. Mr. Bentley said he was coming forward representing the real estate community to speak on behalf of extending the moratorium on adult entertainment. He added that there are concerns, and was glad that so much time and effort was being spent to make sure that any ordinance passed will consider the welfare of the community. He talked about the detrimental effect of these businesses on residential and commercial property and the overall atmosphere of the city. He also offered to serve on any citizen's committee to help formulate regulations.

John Biggs - 17712 16th St. - KPN. Mr. Biggs introduced himself as the staff attorney for the Peninsula School District. He said that philosophically the school district agrees with what has been said. He said that due to the failure of the past four levies, it was difficult to speak to the zoning issues, and the moratorium would give the school district time to address this issue.

Mayor Wilbert closed the public hearing on this item at 8: 17 p.m.

CALL TO ORDER: 8:17 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the March 25, 1996 meeting as presented.
Picinich/Owel - unanimously approved.

CORRESPONDENCE:

1. WSDOT - Approval of Certification Acceptance. Mayor Wilbert introduced this letter of acceptance and thanked the Public Works staff for their hard work which led to this letter of recognition and certification. Wes Hill, Public Works Director, thanked the Public Works staff for their exemplary work on the Harborview Drive / North Harborview Drive projects last year, and stated how much he appreciated their hard work in obtaining this acknowledgment from the Department of Transportation.

OLD BUSINESS:

1. Continued Imposition of One-Year Moratorium on Adult Entertainment. This item was continued from the public hearing at the beginning of the meeting. Carol Morris advised Councilmembers that it would be appropriate to review the findings of fact included in the proposed ordinance for approval, and suggested that the emergency provision for passing ordinances to pass this at its first reading be utilized. Councilmembers discussed the issues and impacts of adult entertainment that had been brought up during the public hearing.

MOTION: Move to adopt Ordinance No. 718, imposing a one-year moratorium on the acceptance of applications for use permits, for adult entertainment, and adopting this ordinance at its first reading.
Picinich/Markovich - unanimously approved.

2. Second Reading - Ordinance to Segregate ULID No. 2 Assessments. Tom Enlow introduced this second reading of an ordinance to support a request to segregate ULID No. 2 assessments on property owned by Ottie Ladd. He added that Mr. Ladd was seeking a simpler method of distributing property costs to his tenants.

MOTION: Move to approve Ordinance No. 719.
Markovich/Picinich - unanimously approved.

3. Second Reading - Ordinance Establishing New Sewer Customer Class. Tom Enlow introduced this second reading of an ordinance establishing a new customer class for community systems using flow meters and providing changes in the sewer rates.

MOTION: Move to approve Ordinance No. 720.
Markovich/Owel - unanimously approved.

NEW BUSINESS:

1. Sister City Dues Request. Mayor Wilbert explained that she had asked the students to give their presentation at the beginning of the meeting, so that they would not have to sit through the other two presentations. She recommended that the City pay the Sister City International annual dues for the 1996 year.

MOTION: Move we provide the \$130 annual dues to assist this program.
Markovich/Picinich - unanimously approved.

2. Confirmation of Assignments to Council Committees. Mayor Wilbert explained that these appointments are usually done at the first of the year, but because the Police Chief and Public Works Director were newly hired, the appointments were postponed. She read the committee assignments and asked the Councilmembers if they would agree to serve on these committees for one year. The Councilmembers all agreed to the following appointments:

Finance Committee: Marilyn Owel and Steve Ekberg
Public Works Committee: Nick Markovich and Corbett Platt
Public Safety Committee: John Picinich

3. Hearing Examiner Recommendation - Alastra Lane PUD, SUB 94-02 - Amendment to Revise Buffer - Landscaping Standards. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query.

Steve Osguthorpe, Planning Associate, introduced this request by David Fisher to amend his Planned Unit Development and one year extension on the expiration date for the PUD. He explained that due to final engineering plans, the required area for the retention pond was much larger than originally anticipated, requiring an amendment to the landscaping requirements. The applicant proposed to plant a solid line of evergreens and shrubs to screen the development from neighboring duplexes.

MOTION: Move to adopt Resolution No. 468.
Markovich/Picinich - unanimously approved.

5. Special Occasion Liquor License - Discovery Elementary P.T.O. No action taken.

COUNCIL COMMENTS: None.

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS: None.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15714 through #15821 in the amount of \$86,142.18.
Owel/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

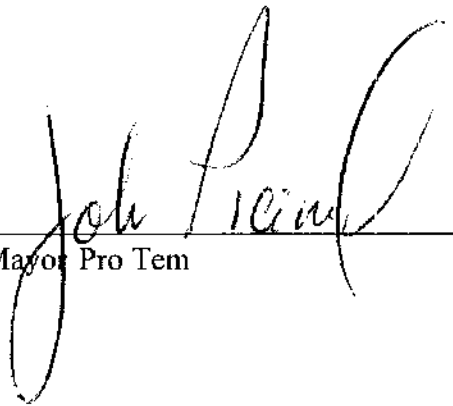
MOTION: Move approval of checks #12388 through #12507 in the amount of \$186,470.67.
Owel/Markovich - unanimously approved.

EXECUTIVE SESSION: None scheduled.

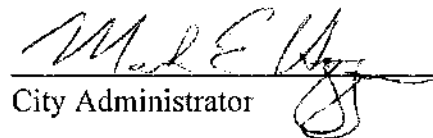
ADJOURN:

MOTION: Move to adjourn at 8:42 p.m.
Picinich/Markovich - unanimously approved.

Cassette recorder utilized.
Tape 420 Side B 245 - end.
Tape 421 Side A 000 - end.
Tape 421 Side B 000 - 307.



Mayor Pro Tem



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF APRIL 22, 1996

PRESENT: Councilmembers Owel, Ekberg, and Platt. Councilmember Picinich acted as Mayor Pro Tem. Mayor Wilbert and Councilmember Markovich were absent.

PUBLIC COMMENT / DISCUSSION: None.

CALL TO ORDER: 7:04 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the April 8, 1996 meeting as presented.
Owel/Ekberg - unanimously approved.

CORRESPONDENCE:

1. Letter from Elanore Long regarding naming a street for her father, Homer Howe. Mayor Pro Tem Picinich said he could remember when Mr. Howe was the Superintendent for Peninsula School District. He asked if anyone in the audience was present to speak about Mr. Howe. No one was present.
2. Letter from Lindberg Architects - Native vegetative restoration. No report given.
3. P.C. Public Works - Bag Hunger Campaign/Environmental Education Exhibit. Mayor Pro Tem Picinich gave a brief explanation of this food drive to been held April 15 - 26.

SPECIAL PRESENTATION:

Mayor Pro Tem Picinich asked Rachael Ashabraner, a student at Gig Harbor High School, to come up and receive a letter from the Mayor and signed by staff and Councilmembers congratulating her for being chosen to carry the Olympic Torch during a portion of the upcoming Torch run on May 7th.

OLD BUSINESS:

1. Proposed Sale of Bogue Building - Purchase and Sale Agreement. Mark Hoppen presented this contract and explained that the contract included covenant language that would ensure that the Chamber's meeting room would be available to the public, or the City would have the option of re-purchasing the building. He added that inclusion of this language was to help the Chamber obtain commercial financing to purchase the building at the proposed price. Councilmember Ekberg thanked Mark for explaining the terms of the contract, as he had concerns about buying back the building as opposed to the Chamber paying the difference in price if the community room was no longer utilized. Councilmember Owel asked who was responsible for paying the excise tax. Mark explained that it was generally the seller's responsibility to pay.

MOTION: Move we authorize the staff to submit this agreement to the Chamber of Commerce.
Ekberg/Platt - unanimously approved.

NEW BUSINESS:

1. Proclamation - Washington State Federation of Women's Clubs Days. Mayor Pro Tem Picinich read the proclamation and introduced Kate Reardon. Ms. Reardon gave information and statistics for the organization. She said that the local club, established in 1907, currently had 14 members who donate scholarships to the local high schools, contribute to the Flower Basket project, do plantings around the city, help with the food bank, among other civic projects. She was presented with the proclamation.
2. Proclamation - National Community Theater Week. Mayor Pro Tem Picinich asked if anyone was present representing the Performance Circle. No one was present, and he read the proclamation.
3. Resolution Authorizing Funding Assistance for Jerisich Park Dock Improvement Project(s). Wes Hill introduced the resolution authorizing the Mayor to submit a grant application to the Interagency Committee for Outdoor Recreation to secure funds to assist in the dock improvements. He answered Council's questions regarding the scope of improvements and the amount of grant funding being sought.

MOTION: Move we adopt Resolution No. 469 authorizing the Mayor to sign a grant application for the Jerisich Park Dock Improvements Project.
Ekberg/Owel - unanimously approved.

4. Special Occasion Liquor License - G.H. Chamber of Commerce. No action taken.
5. Liquor License Renewals: Down East Restaurant; Thriftway; and Stockmarket Foods. No action taken.
6. Special Occasion Liquor License - Eagles. No action taken.

MAYOR'S REPORT: Emergency Preparedness/Management within the City. Mayor Pro Tem Picinich asked Councilmembers to review their report in the packet. He announced the meeting to be held for Emergency Preparedness, Thursday, April 25th at 6:00 p.m. at City Hall.

COUNCIL COMMENTS: None.

STAFF REPORT:

Tom Enlow, Finance Director, gave a summary of the quarterly report. He explained that the City was ahead of budget for revenues, and behind on sales tax, due to anticipation of the Westside Annexation, but 27% ahead of the usual sales tax from existing payers, which is good for this slow time of year. He added that water, sewer and storm revenues are at budget and expenditures are doing well. He said that no budget amendments are anticipated at this time.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Council worksession - Court consolidation: Monday, April 29th at 6:00 p.m. at City Hall.

2. Council worksession - Utility extensions and park use policy: Monday, May 6th at 5:00 p.m. at City Hall.
3. Emergency Preparedness, Thursday, April 25th at 6:00 p.m. at City Hall.

APPROVAL OF BILLS:


MOTION: Move approval of checks #15822 through #15878 in the amount of \$55,001.16.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION: None scheduled.


ADJOURN:

MOTION: Move to adjourn at 7:27 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 421 Side B 308 - end.
Tape 422 Side A 000 - 225.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF MAY 13, 1996

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

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARINGS:

1. Preannexation Zoning for the UGA. Mayor Wilbert opened the public hearing on this item at 7:05 p.m. Mr. Ray Gilmore, Planning Director, introduced this first of two required public hearing for the proposed zoning map/preannexation zoning map for the Urban Growth Area, amendments to zoning code text and proposed Gig Harbor North zoning map. He said that these recommendations were being presented by the Planning Commission to Council for consideration. He gave a brief overview of the proposed zoning recommendations and added that the second required public hearing was scheduled for the June 24th meeting.

Matthew Sweeney. Mr. Sweeney introduced himself as the attorney representing the Garrisons and the Torrens. He said he had passed out a letter and materials for Council's review on the previous Friday. He said that Ms. Garrison and Mr. Torrens own property along Sehmel Drive that have been designated as RB-1 in the proposed zoning map. He added that they are requesting that the property be delineated as half RB-2 and half ED where it borders the PI designated property, to reflect what the area is currently being utilized for.

Paul Cyr - 55th St. Ct. NW. Mr. Cyr said he was representing a number of clients. He read from the Planning Commission Resolution and the staff report of 5/8/96 regarding obtaining city services without annexation. He asked where the policy exists articulating obtaining these utilities. Mr. Hoppen explained that the City has an ordinance in effect describing the requirements, and added that the ordinance had been acknowledged in a settlement agreement between Pierce County and the City of Gig Harbor regarding the entire Urban Growth Area. Mr. Cyr said that a public process should occur to educate the residents who live in those areas, of the terms of the agreement. He added that he concurred with several of the recommendations, but requested that the area where the community college was located on Hunt Street be changed to a more commercial designation, along with the Stroh property north of Hunt Street which he said should be a B-2 designation. He finalized by saying it appeared that the Planning Commission was favoring residential designations zoning over business.

Tom Torrens - PO Box 1741. Mr. Torrens asked for clarification on his property. He said that when he contracted with the City for water, he understood the property to be zoned commercial by the county, but now it was being zoned RB-1. His concerns that when the bank appraised his property, the lower density designation would affect the value of the property. He added he would like to see the zoning changed to ED.

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich asked why the central area of the map had no designation. Mr. Gilmore explained that the area was being considered under the Gig Harbor North hearings, already held, and were pending suggested text amendments and would be brought back at a later date.

Joe Loya - PO Box 04. Mr. Loya said he was representing the Performance Circle, and thanked the Planning Commission for designating the area where the "Meadow" is located as RB-1, as they are still considering a performing arts center to be located at that site. He requested that a performing arts center be specifically added to the text for the RB-1 designation.

Walt Smith - PO Box 191. Mr. Smith passed out a letter to Council, asking for an amendment to the text for the ED designation on his property. He said that when he started his project, the Gig Harbor Comp Plan required a 60- 40 open space relationship to impervious coverage. He said the current figures would only leave approximately 26% of the property to develop, and added that he thought this was an oversight. He offered to work with Planning Staff and Council and to come back at the June meeting with a proper presentation.

John Holmaas - 7524 Goodman Drive. Mr. Holmaas asked for reconsideration of the zoning designation for the Northharbor Business Campus on Burnham Drive. He said that other zoning would be more appropriate than the RB-1 designation.

There was no further public testimony. Mayor Wilbert closed the public hearing on this item at 7:43 p.m.

2. Amendments to City Environmental Policy Ordinance (Chapter 18.04 GHMC). Mayor Wilbert opened the public hearing on this item at 7:43 p.m. Ray Gilmore introduced this amendment to the City's Environmental Policy Ordinance to update the City's codes in compliance with state requirement. He added that this was the first reading of the ordinance, and it would return at the Council meeting of May 28th for the second reading.

No one signed up to speak on this item. Mayor Wilbert closed the public hearing at 7:44 p.m.

CALL TO ORDER: 7:44 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the April 22, 1996 meeting as presented.
Platt/Ekberg - unanimously approved. Councilmember Markovich abstained.

CORRESPONDENCE / PROCLAMATIONS:

1. Letter from Chief of Community Relations - Dept. of the Air Force. Mayor Wilbert gave a brief explanation of this letter thanking Dr. William Wilbert for traveling on the Civic Leader Tour to March Air Force Base.

2. Proclamation - National Nursing Home Week. No presentation made.
3. Proclamation - Buddy Poppy Week, Veterans of Foreign Wars. No presentation made.
4. Proclamation - Grandparents Raising Grandchildren Day. No presentation made.

OLD BUSINESS:

1. Letter from Jim Richardson. Carol Morris, legal counsel, said that the letter asking the City to reduce their judgement and release the lien on his property was self-explanatory, and she would answer any questions Council may have. Councilmember Markovich asked if the amount was miscalculated as the letter stated. Ms. Morris said that it was not. He then said that he would be willing to consider some accommodation if the financial records for the past several years could be obtained from Mr. Richardson to substantiate his claims. Councilmember Platt said that Mr. Richardson had placed himself at risk and if he is asking for a reduction, he should show proof of why it should be done. Staff was directed to request the financial documents from Mr. Richardson.

NEW BUSINESS:

1. First Reading of Ordinance - Preannexation Zoning for the UGA. Mr. Gilmore explained that this ordinance would return for adoption after the second public hearing, and a possible worksession to incorporate the amendments.

2. First Reading of Ordinance - Amendments to City Environmental Policy Ordinance. Mr. Gilmore said that the second reading of this ordinance would return at the May 28th meeting.

3. Hearing Examiner Recommendation/Resolution for Approval - Soundview Office Park, SPR 95-05. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query. She then asked the representative for the project, David Fisher, to take an oath of honesty in any testimony that he may give, to which he answered affirmatively.

Steve Osguthorpe gave a brief introduction for this request to construct a 37,860 square foot office building at 5801 Soundview Drive. He explained that because the applicant had submitted a building permit application prior to the adoption of current building size limits, the project was vested and complies with the codes in effect at the time the permit application was submitted, allowing for the construction of the larger building. He said that the Hearing Examiner and Staff recommend approval of the site plan with modification to condition number eight, as legal counsel had advised that there was no ability to enforce requirements that came about from concerns stated from the Department of Ecology.

MOTION: Move to approve resolution No. 470, in regards to the Soundview Office Park, SPR 95-05, with the modification to condition no. 8 by deleting the second sentence as suggested by legal counsel, and to bring back the resolution at the next council meeting.
Picinich/Markovich - unanimously approved.

4. Appeal of Hearing Examiner's Decision - SDP 95-06/VAR 95-11, Robert Philpott, Multipurpose Marine Fueling Facility. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. Councilmember Platt said that he was a member of the Gig Harbor Yacht Club, and that a letter had been submitted stating that the project had the support of all the Yacht Club members, even though he had not been contacted. The Mayor asked if anyone wished Councilmember Platt to abstain. There was no reply. She then asked the representatives for the project, Robert Philpot and Gary Kucinski, to take an oath of honesty in any testimony that they may give, to which they answered affirmatively.

Steve Osguthorpe explained that this item was both an appeal of the Hearing Examiner's recommendation and a recommendation for site plan approval presented to Council for action. He explained that Council had the options to accept, modify or reject any finding or conclusions, or remand the decisions of the examiner for further hearing. He briefly described the project to construct a fueling dock on the Pete Darrah's property, and gave an overview of the appeal and recommendations before Council for action.

Mr. Gilmore explained that no new testimony could be given due to the appeal, and added that the letter submitted by Dave Taggert this evening had been examined and determined that it was substantially supportive of the testimony he gave at the hearing, and contained no new information. He noted that if Mr. Philpot had concerns or consideration concerning the letter, he could bring it to Council's attention. He added that each side, appellant and applicant, was allowed a total of fifteen minutes to provide supportive information.

John Paglia - 12924 Purdy Drive NW. Mr. Paglia, attorney for the appellant, cited several issues of why this project did not comply with City codes, including setbacks, lack of provisions for unloading the fuel truck, and fire and traffic hazards. He added that the Uniform Fire Code states that a fuel dock must exclusively be used for fueling, and not moorage.

Councilman Ekberg asked staff for clarification of the regulations about exclusive use of fuel docks. Steve Osguthorpe explained that this was something the Fire Marshal would review, and it would have to conform to all Fire Code issues.

Gary Kucinski - Sitts & Hill Engineers. Mr. Kucinski spoke representing Mr. Philpot. He said that they feel that this is a needed project, and it is in compliance with the Comprehensive Plan and the City's land use regulations. He added that the appellant raised these objections at both the Hearing

Examiner's hearing and again at the reconsideration, and both times the Examiner had indicated in his recommendations that the project must be in compliance with all the City of Gig Harbor Ordinances.

Robert Philpot - 2115 95th St. Ct. NW. Mr. Philpot said that his intent is to provide a project that would enhance the City of Gig Harbor. He added that the intent is to run a professional, modern, and a first class fueling dock. He explained the project and what was being planned, and that the intent was to clean the entire facility up to make it an asset to the town.

Councilmember Platt asked what the estimated gallonage per month would be in order to ascertain intensity of use. Mr. Philpot answered that he based his figures on the Pleasurecraft Marina, which was closed. Councilmember Picinich asked about how often the fuel would be delivered. Mr. Philpot said that because it is a seasonal business it would vary from once a month in the winter to as much as twice in a seven to ten day period. He answered questions about the fuel truck and the method the fuel would be delivered. He discussed several options included flaggers, alternate delivery times, and utilizing the parking lot for a turn-around to prevent the truck from having to back into traffic.

Mr. Paglia added that there was a condition by the Hearing Examiner limitation of hour of sales had to be from 7:00 a.m. to 7:00 p.m. and that this was primarily a residential area and there were concerns about noise, and again stated the provision for exclusive use of a fuel dock.

Councilmember Ekberg said that valid concerns had been raised, and that he thought these had been addressed by the staff and Hearing Examiner and covered in the conditions. He made the following motion:

MOTION: Move we adopt Resolution No. 471 with the seven conditions as outlined for the site plan conditions of approval and the thirteen conditions outlined for the shoreline management permit conditions.
Ekberg/Platt -

There was more discussion regarding the issue of the fuel truck delivery and traffic and safety concerns. Councilmember Markovich said he had serious concerns about ingress and egress and would like to see these issues remanded back to the Hearing Examiner for additional consideration. Councilmember Ekberg withdrew his original motion and the following motion was made:

MOTION: Move we remand the project back to the Hearing Examiner for determination whether the ingress and egress for the fuel truck is sufficient and also to clarify the issue of whether transient moorage is allowed on the same dock as a fueling facility.
Markovich/Picinich - unanimously approved.

The Mayor announced a five minute recess at 9:13 p.m. The Council meeting reconvened at 9:20 p.m.

5. Appeal of Hearing Examiner Decision - SPR 95-12, Arabella's Landing, Office Building. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query. She then asked the representatives for the project, John Groen and Stan Stearns, to take an oath of honesty in any testimony that they may give, to which they answered affirmatively.

Steve Osguthorpe introduced this appeal of the Hearing Examiner's decision and added that this was the second application for this site in a short time. He explained that the proposal is to build a 12,050 office/retail building, and that the two main issues raised that resulted in the recommendation for denial were the question of vesting under codes in place at the time the site plan application was submitted, and the definition of a lot. He summarized these issues and announced that the appellant would have fifteen minutes to present any support.

John Groen - Attorney for Stan Stearns. Mr. Groen began by saying there were important legal issues that the Councilmembers need to be aware in order to carry out their duty as public servants. He said that in reference to the two issues, vesting and lot definition, his presentation would not be testimony, but would be legal interpretation of the city ordinances and their requirements. He said the applicant's position was that the project should be vested under the prior zoning designations, and cited *West Main Associates v. Bellevue* and *Erickson and Associates v. McLerran* as examples. He said that per 17.48.050 and 17.96.020 of the GHCM, a building permit could not be applied for until the site plan had been approved. He said he noticed that the last presentation began with recognizing by Steve Osguthorpe that the application is being processed under the ordinance when it was applied for, and all they were asking was the same treatment.

He continued to say the second issue was of lot definition, and that the project is clearly in compliance. He said that the application of the 3500 sq. ft. zoning is a clear spot zoning and a violation of constitutional law. He said this property had been targeted to prevent this project, and that Council needs to be aware of the consequences of that. He went on to say that their position on the view and access requirements are a clear violation of constitutional law and that the U.S. Supreme Court has made it abundantly clear through *Nolan v. California Coastal Commission* and *Dolan v. City of Tigard*, that the burden of proof is on the government agency showing an adverse impact on a legitimate public purpose, and you cannot impose any condition at all, or only impose it as proportional to the degree of the impact. He said that if government fails to meet that burden of proof it is a taking of property, and the government has to pay damages along with attorney fees. He said that this is such a clear constitutional violation in respect to the view and access amenities without any supporting rationalization that there is serious risk of personal liability. He added that he was not here to threaten anybody, just to make Council aware of unconstitutional actions, which is what they're alleging. He said that from his perspective as a lawyer, it is a hornet's nest for Gig

Harbor.

Councilmember Markovich pointed out that the ordinance says that the project is vested upon the completion of an permit application, and not upon its issuance. He asked why Mr. Stearns had not applied for a building permit at the time he applied for site plan approval. Mr. Groen answered that a building permit would not be accepted until the project had been through the site plan process. Councilmember Markovich said that was not the case, as had been demonstrated in the previous agenda item.

Carol Morris said that Mr. Groen was just plain wrong in his interpretation and there was no prohibition on application for a building permit at the same time as a site plan. She added that he also misinterpreted the cases he cited as examples. She said that state law allows for each city to come up with their own vesting doctrine and the City has one in place. Councilmember Picinich said he was concerned about the threatening remarks about how the property had been targeted, and asked Mr. Groen to go into further detail about what was meant by that comment. Mr. Groen said that there had been a zoning change made that targeted this property and the legislative process rather than an administrative process had been used to accomplish an administrative result, which is improper.

Carol Morris said that Mr. Oldfield represented Mr. Stearns at the time the Council considered the amendments to the zoning code, and that he had made comments at that time. She added that there is period after adoption of the ordinance that it can be appealed, and that no appeal had been made. She directed Mr. Groen to GHMC 15.06.05, the City's vesting ordinance, so he could understand the process.

Steve Osguthorpe said as with the other project, he would like the opportunity to amend language in the resolution to reflect Council's wishes, or Council could approve or deny the findings and conclusions this evening and the resolution would be brought back for final review at the next meeting.

MOTION: Move to approve Resolution 471, adopting the findings and conclusions of the Hearings Examiner in his report dated 5/19/96; SDP 95-12 denying the same with provision that the resolution be brought back again at the next meeting.
Markovich/Platt -

Carol Morris asked that Councilmembers further elaborate on the motion for the findings and conclusions to be included in the resolution.

Councilmember Markovich said that there is a difference in legal opinions as to when things vest. He added that the ordinance provides for vesting upon application for a building permit, and as an application was not submitted in this case, there can be no vesting. On the other issue of intentional "spot zoning", he said that no one intended to prevent Mr. Stearns from enjoying the "fruits" of his

property ownership. He said that a process occurred to deal with the bulk and size of buildings and that those issues were of serious concerns to the citizens to preserve the character of the town. He said that this issue was dealt with by utilizing square footage limitations and that was done not only in the Waterfront Millville area, but also in other areas in the city, to prevent an out-of-character growth of large buildings in Gig Harbor. This was not done intentionally against Mr. Stearns or his project. If it had been a vested project, Council would be required to approve what was allowed under that code.

Councilmember Ekberg agreed with Councilmember Markovich, and added that as he was not an attorney, he had to rely on the City's legal counsel and staff on legal issues, and when the Hearing Examiner, Staff, and Legal Counsel all come to the same conclusion, it is satisfactory for his decision.

Councilmember Picinich said that the structure does not conform to the provisions of the municipal code in regards to the 3,500 square footage limitation.

The Mayor called for the question.

RESTATED MOTION: Move we approve Resolution 471 adopting the findings and conclusions of the Hearings Examiner in his report dated 5/19/96; SDP 95-12 denying the same with provision that the resolution be brought back again at the next meeting.
Markovich/Platt - unanimously approved.

6. Award of Contract for Harborview/Stinson Repair. Wes Hill recommended that Council award the contract for pavement replacement at Harborview Drive and Stinson Avenue, damaged by a broken water line, to the low bidder, Tucci and Sons. He added that the work would be completed some time in June.

MOTION: Move to approve and award the execution of the contract for Pavement Replacement at Harborview Drive and Stinson Avenue to Tucci and Sons, Inc., in the amount of \$24,963.75.
Picinich/Platt - unanimously approved.

7. Resolution - Sale of Surplus Equipment. Tom Enlow introduced this resolution to dispose of surplus equipment no longer of use to the City.

MOTION: Move we adopt Resolution No. 472 for the sale of surplus equipment.
Picinich/Ekberg - unanimously approved.

8. Liquor License Renewal - WB Scott's Restaurant. No action taken.

MAYOR'S REPORT: - Parking Issues.

Mayor Wilbert talked about the parking concerns that have been coming to her over the past five years. She recommended a meeting on Monday, June 3rd, at City Hall to hear from the citizens and to give direction for the staff and City Council.

COUNCIL COMMENTS: None.

STAFF REPORT:

Chief Mitch Barker gave a report on the Explorers and how well they did at the Blue Mountain Challenge competition in Richland in April. He also invited Council and Staff to join in the Plane-pull at Ft. Lewis on June 1st, the proceeds to go to the Special Olympics. Councilmember Markovich said he attended a Kawanis meeting a couple of weeks ago where Officer Busey gave a presentation on the Explorers. He added that the City should be proud of the Explorers and the job that Officer Busey was doing with these young adults.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Second Council Meeting for May - **Tuesday, May 28th** at 7:00 p.m. *(due to Memorial Day)*
2. Parking Issues - June 3rd, 7:00 p.m. at City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15879 through #15965 in the amount of \$68,538.38.
Platt/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of checks #12508 through #12625 in the amount of \$182,108.02.
Platt/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 10:05 p.m. for approximately ten minutes to discuss claims.
Platt/Ekberg - unanimously approved.


MOTION: Move to return to regular session at 10:15 p.m.
Picinich/Platt - unanimously approved.

MOTION: Move to authorize Carol Morris to settle the John Braaten claim for \$1,500.
Picinich/Ekberg - unanimously approved.


ADJOURN:

MOTION: Move to adjourn at 10:15 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 424 Side A 227 - end.
Tape 424 Side B 000 - end.
Tape 425 - Both sides.
Tape 426 - Both sides.
Tape 427 - Side A 000 -031.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF MAY 28, 1996

PRESENT: Councilmembers Ekberg, Owel, Platt, Picinich, Markovich and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION: None.

CALL TO ORDER: 7:04 p.m.

MAYOR'S REPORT:

More Thinking on Parks. Mayor Wilbert explained that she had invited several ex-Councilmembers and Mayors that had been involved in the naming of the parks to attend the council meeting this evening. She added that although the five people she had invited had not been able to attend, she had received a letter from one, and had spoken to several others. She said that Dean Mullen had suggested adding the words "at Crescent Creek" to the City Park name. She read the letter from Rosemary Ross suggesting that Green Park be renamed Grandview Forest or Grandview Park, and out of tribute to the Jerisich family, the Jerisich Park name remain the same. She also suggested it would be appropriate to add "at Crescent Creek" to the City Park name. Mayor Wilbert said she had spoken to former Mayor, Ruth Bogue, who said she was not involved when the parks were named, but she would like to see the park names reflect their locations.

Mayor Wilbert read a list of names that had been suggested for renaming the three parks, and asked Councilmembers to consider these and to think about the naming of future parks.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the May 13, 1996 meeting as presented.
Ekberg/Picinich - unanimously approved. Councilmember Owel abstained.

CORRESPONDENCE / PROCLAMATIONS:

1. Blessing of the Fleet - June 2nd. Mayor Wilbert announced that this event would be held at 3:00 on June 2nd, and that the police department would assure that the processional would be a safe one.

OLD BUSINESS:

1. Resolution No. 470 - Approving SPR 95-05, Soundview Office. Ray Gilmore presented this resolution reflecting Council's recommendation at the last meeting. He added that the changes had been reviewed by legal counsel and approved.

MOTION: Move we approve Resolution No. 470 as presented at the last meeting of May 13th.
Picinich/Markovich - unanimously approved. Councilmember Owel abstained.

2. Resolution No. 471 - Facts and Findings for Arabella's Landing. Ray Gilmore presented this resolution reflecting the Council's action on denial of the site plan, number SPR95-02 for Arabella's Landing proposed expansion. He added that this also had been reviewed and approved by legal counsel. Councilmember Markovich suggested adding the work "application" to two places in the resolution for clarification.

MOTION: Move to approve Resolution No. 471 with those two corrections.
Markovich/Ekberg - unanimously approved. Councilmember Owel abstained.

3. Second Reading - Ordinance for Proposed Amendments to City Environmental Policy. Ray Gilmore presented the second reading of this ordinance reflecting changes brought about by the Regulatory Reform Act of 1995 and to update the environmental policies in the City's code.

MOTION: Move to adopt Ordinance No. 721.
Markovich/Picinich - unanimously approved. Councilmember Owel abstained.

4. Acceptance of Water Franchise No. 3. Mark Hoppen presented this standard contract extending the franchise in the City's water service area. He added that the franchise represented an attempt to encompass the entire water service area in one franchise rather than requesting several smaller franchise agreements.

MOTION: Move for acceptance of Water Franchise No. 3.
Picinich/Markovich -

Carol Morris, legal counsel, asked Council to be aware that there was a reopener clause in the contract that would allow the County to change the terms of the franchise at any time for any reason, on any conditions that they desire. She added that she had not seen a term like this in contract before. Mr. Hoppen explained that this was standard language for the County, and that they may have included this clause for flexibility. He added that he did not think the language was negotiable. After discussion, Council directed Mr. Hoppen to contact the County and ask for clarification on the reason the reopener clause was in the contract and whether they would amend the contract to either exclude the language, or to limit the reopener clause to specific conditions. This item was tabled until the next council meeting.

5. Financial Information - Jim Richardson. Mark Hoppen presented the financial information from Mr. Richardson that Council had requested at their last meeting. He added that the division of the loan would be done through escrow, and that the construction on the house would be completed before the loan was concluded. He said that the dollar amount proposed to be paid to the City was not the total amount listed in the judicial lien. He explained the City had the option to accept the amount listed and to forgive the balance of the judicial lien,

or to not accept the amount, which would most probably result in foreclosure on the property. He added that the City was one of the last listed on the lien, and probably would not receive any funds if the property foreclosed.

Councilmember Markovich said that he did not see any reason to forgive any amount of the judgement, and that he had a third option. He suggested that the City accept the \$17,050.00 listed in the loan breakdown, and to subordinate the balance of the lien to the other lienholder. In the event that Mr. Richardson were to sell the property, the City would then receive the balance of the judgement, with interest. Councilmembers Platt and Ekberg both agreed with Councilmember Markovich regarding not forgiving the balance of the judgement. The following motion was made.

MOTION: Move that in consideration of the receipt on closing of this loan of \$17,050.00, that the City of Gig Harbor subordinate the remainder of the balance of the judgement to the first lien position of Hallmark Mortgage Company with continued interest on the judgement to accrue at the statutory rate, until the full amount is paid.
Markovich/Platt - four voted in favor. Councilmember Owel abstained.

Mark Hoppen pointed out that changing the terms of the judgement would incur additional legal fees. Councilmember Markovich said that Mr. Richardson could provide for that.

NEW BUSINESS:

1. Request for Time Extension on Shoreline Management Permit - SDP 92-04 Darrah. Ray Gilmore presented this request by the Darrah's attorney, Mr. Kerry Bucklin, for a one-year time extension to complete the project approved in May of 1993. He gave a brief history of the conditions that were to be met and what remained of the conditions. He explained that a two-year permit had been issued instead of a five-year permit because the process on this property had gone on so long previous to the application, and that there had been ample time to comply.

Councilmember Markovich said he was on the Council at the time this permit was issued, and remembered how many years before that the City had been dealing with these issues on this property, and that he personally would not want the extension to be granted. He added that there was still time for a new Shoreline application. He said that the application by Mr. Philpot that was currently before Council was an independent issue. Councilmember Picinich agreed.

MOTION: Move we deny the request for a one-year extension on SDP92-04.
Picinich/Platt - unanimously approved.

Mrs. Darrah asked if this would affect their DNR lease, as they have a buyer for the property pending and wondered about the negative impact on their sale. Mr. Gilmore explained that that was a legal

issue that would have to be taken to an attorney.

COUNCIL COMMENTS:

Councilmember Picinich said he had remembered the City Park being called Crescent Valley Park. Mayor Wilbert told him that that was the original name. He said it would be appropriate to add the words "at Crescent Creek" to the end of the City Park name.

Councilmember Ekberg said that if the Council was going to start renaming parks, a policy might need to be established, similar to the one in place to name city streets. After discussion of the proposed names in the Mayor's report, the following motion was made.

MOTION: Move we rename our City Parks as follows: Grandview Forest Park; Jerisich Park & Dock; and City Park at Crescent Creek.
Markovich/Picinich - unanimously approved.

Mr. Hoppen added that the park signs at City Park and Jerisich were fairly new and quite expensive, and that money for new signs had not been budgeted. Councilmember Ekberg pointed out that the only substantial change was the Grandview Forest Park, and that changing the other signs could be done at a later date, when the funds were budgeted for.

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Parking Issues Workshop - Monday, June 3rd, 7:00 p.m. at City Hall.
2. Anchorage Park Meeting - Tuesday, June 18th, at City Hall at 10:00 a.m.

APPROVAL OF BILLS:

MOTION: Move approval of checks #15966 through #16037 in the amount of \$42,775.48.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION: Canceled.

ADJOURN:

MOTION: Move to adjourn at 8:00 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 427 - Side A 032 - end.

Tape 427 - Side B 000 - 370.

Fritchen Weibert
Mayor

M. E. [Signature]
City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JUNE 10, 1996

PRESENT: Councilmembers Ekberg, Owel, Platt, Picinich, Markovich and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION:

Dave Morris - 6018 106th Ave. NW. Mr. Morris explained that he had recently found a tenant for his building, who applied for a business license to open a marine retail store. The tenant had been informed by staff that his business license application could not be processed until a site plan review was done. Mr. Morris added that the use is consistent with the zoning code, and there was no intent to modify the building. He said he did not understand why a site plan review was necessary. He asked for reconsideration by the Council.

Ray Gilmore, Planning Director, explained that the change of occupancy rating triggers the site plan review process in order to address such issues as fire code ratings and any other adverse impacts. He explained that the applicant had the option of appealing Staff's decision to the Hearing Examiner, but that the appeal period had lapsed. He answered Council's questions regarding occupancy classes, and the requirement for a building permit when an occupancy class is changed. Councilmembers discussed the impacts that could arise from a change of occupancy in a building. It was agreed that the current process could be made less prohibitive.

Carol Morris, legal counsel, reminded Councilmembers that the period had passed for the applicant to appeal the decision to the hearing examiner, and suggested that Council could initiate a legislative amendment to Chapter 17.96 on site plans, an ordinance could be drafted that would have an abbreviated process for the change of use or occupancy.

CALL TO ORDER: 7:31 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the May 28, 1996 meeting as presented.
Picinich/Ekberg - unanimously approved.

CORRESPONDENCE / PROCLAMATIONS:

1. Urban Forestry Grant. Mayor Wilbert talked about this notice from Jennifer Belcher, Commissioner of Public Lands, informing her that the grant application from the City of Gig Harbor had been accepted. She added that the contracts would be brought to Council at the next meeting.
2. Cruizin the Gig. Mayor Wilbert held up the plaque that had been received from Bruce and Linda Dishman, and mentioned the letter thanking the City for the use of the City Park for their yearly function. She added that a check for \$200 had also been given to go towards the parks fund.

OLD BUSINESS:

1. Acceptance of Water Franchise No. 3. Mark Hoppen presented this standard contract extending the franchise in the City's water service area. At the last meeting, Council directed Mr. Hoppen to contact the County and ask for clarification of certain language in the contract regarding a reopener clause. He explained that he had contacted Bob Snyder, Right-of-Way Agent, and John Trent, Public Works and Utilities Director for Pierce County, and had been assured that this language was consistent with all new or supplemental franchise requests, and was intended to provide a method to incorporate regulatory issues. He added that the other supplemental franchises that had been signed by the City for the approximately the past ten years all contained the same language.

MOTION: Move we authorize the Mayor to sign the Supplemental Water Franchise No. 3.
Picinich/Owel - unanimously approved.

2. Purdy Shopping Center Sewer Request. Mr. Hoppen gave a brief history of this request to connect the Purdy Shopping Center to the City sewer. He explained that at the time the first request to connect came before Council, the County had reduced the Urban Growth Area and excluded this area, so action was tabled until this area could be reincluded in the UGA. He added that this had been accomplished, and the request for 7.79 ERUs was before Council again.

Councilmember Platt asked if the logic tree for utility connections could be utilized to determine if all the requirements had been met. Mr. Hoppen went through the logic tree step by step with Council, demonstrating that all the requirements had been fulfilled.

MOTION: Move for acceptance of Purdy Shopping Center's sewer request.
Picinich/Markovich - unanimously approved.

NEW BUSINESS:

1. Outside Utility Request - P & T Partnership. Mark Hoppen presented this request from Wade Perrow and Jim Tallman for sewer extension to the site where Cimmarron Restaurant is currently located. He said the project proposed for the site is a 66 room, 2,000 square foot hotel and banquet facility. He added that the site is currently served by City sewer through ULID #2 but the proposed redevelopment of the property was substantial, with an additional 34.5 ERUs requested. He explained that the project had been approved by the Planning and Public Works Department, and followed the flowchart closely. He added that the project meets all County standards, and for the most part, City standards. He said that the project does not meet all the conditions set forth in Chapter 13.34 of the GHMC, but that an amendment to this ordinance to allow for more discretion in approving County projects was a later item on the agenda.

Ray Gilmore gave a brief explanation of how the project meets the design elements of the City's Comprehensive Plan.

Carol Morris commented that the ordinance that was before Council as the next agenda item would provide for a variance procedure, and suggested that Council might consider first, passing this ordinance, utilizing the ordinance passing procedure to be able to pass an ordinance on the same evening, then reconsidering this project afterwards.

MOTION: Move to table this item until later on the agenda.
Owel/Platt - unanimously approved.

2. Proposed Amendment to Chapter 13.34 - Water and Sewer Service Outside City Limits. Ray Gilmore presented this amendment to Chapter 13.34, intended to provide the Council with more discretion in evaluating a Pierce County approved project. He gave an overview of the proposed changes and answered questions. Carol Morris suggested adding the words "compliance with all" to the last phrase of Section J-1 to address Councilmember Platt's concerns regarding meeting the intent of the applicable provisions of the City's comp plans, zoning code or public works standards.

MOTION: Move to add the suggested changes in Section J - 1.
Platt/Ekberg - unanimously approved.

MOTION: Move we adopt Ordinance No. 722, as a one reading passage, utilizing the ordinance passing procedure option in 1.08.020B.
Platt/

Steve Osguthorpe said the language in section J-1 was unclear and suggested removing the word "comprehensive" from the first sentence in paragraph 1.

MOTION: Move we strike the work "comprehensive" from the first line in J-1.
Platt/Owel - unanimously approved.

AMENDED MOTION: Move we adopt Ordinance No. 722, as amended, and as a one reading passage, utilizing the ordinance passing procedure option in 1.08.020B.
Platt/Picinich - unanimously approved.

MOTION: Move that we return to Item No. 1 of New Business.
Platt/Ekberg - unanimously approved.

1. Outside Utility Request - P & T Partnership. Mayor Wilbert said that the applicants were available to answer questions. Councilmember Markovich asked what the impact of the added height might be.

David Boe - 4818 No. 27th, Tacoma. Mr. Boe introduced himself as the architect for P & T Partnership. Mr. Boe explained that the project is at 59' from grade to pitch-line of the roof. He explained that they designed the project to comply with the City's comprehensive plan, to fit the site, and to develop views. He added that the design objective was to develop an Inn instead of a roadside motel structure. He explained that the project would not block views, but would create views, and would be an attractive sight from the freeway. He talked about buffers and impervious coverage.

Wade Perrow - 9119 North Harborview Drive. Mr. Perrow thanked Mr. Boe for his efforts in capturing the design guidelines in this project. He passed out an aerial view of the site. He mentioned that the building would be considered as a landmark, and the additional height should be given consideration. He added that they are working in every way possible to maintain the buffering along SR-16.

Mayor Wilbert mentioned that the option of re-opening the access from the freeway in front of Lumberman's was being considered, and asked how that would affect this project. Mr. Perrow answered that it would in fact, enhance his project, and wouldn't affect the buffering.

Councilmember Ekberg said that this project was a good demonstration of jurisdictions working together and that the project closely follows the comprehensive plan.

MOTION: Move we authorize the Mayor to sign the Utility Extension Capacity Agreement with P & T Partnership extending sewer.
Picinich/Ekberg -

Mark Hoppen said that legal counsel had suggested changes to exhibit "B" in the contract. Carol Morris read the recommended changes, and two amendments to the language on page 4, section 12B of the contract.

MOTION: Move to amend the contract with suggested changes to exhibit 'B' and Item B, paragraph 12 of the contract.
Ekberg/Picinich - unanimously approved.

AMENDED MOTION: Move we authorize the Mayor to sign the Utility Extension Capacity Agreement with P & T Partnership extending sewer as amended.
Picinich/Platt - unanimously approved.

3. First Reading of Ordinances - Planning Commission Recommendation - Amendments to City Codes, Wetlands Management, Critical Areas, Definitions, and General Clean-up. Ray Gilmore presented the first reading of these four ordinances as recommended for approval by the Planning Commission. He gave a brief overview of each ordinance and said that the

ordinances would return at the next council meeting for a second reading.

4. SPR 96-01, Wesley Inn of Gig Harbor - Site Plan Approval for 90-Room Hotel. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no answer to this query.

Steve Osguthorpe presented this request from Kenneth Braaten to build a 90 room hotel, built in two phases, at 6575 Kimball Drive. he gave an overview of the project and answered questions. Councilmember Ekberg asked that language be added to number 10 of the decisions, stating that pedestrian access to be maintained.

MOTION: Move approval of Resolution No. 473 adopting the findings, conclusions, and decision of the Hearing Examiner and staff on the application for Site Plan 96-01, with the addition of the pedestrian access provision to number 10 of the decisions.

Owel/Ekberg - unanimously approved.

5. SUB 94-01 (PUD) Request for Revision of PUD - Fence Height. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query.

Steve Osguthorpe presented this request by Rod Nilsson to revise the Planned Unit Develop on Pioneer, to allow increased fence height along the front property line. He explained that several of the units rear yard would be facing the frontage street and the increased height of fence would be along those sections of the fence.

MOTION: Move approval of Resolution No. 474.

Platt/Picinich - unanimously approved.

6. First Reading of Ordinance - Street Vacations. Mark Hoppen explained that street vacations had been handled on an ad hoc basis in the past, and based on requirements of the RCWs, legal counsel recommended a procedure be established through ordinance. Carol Morris gave an overview of the recommended changes. Councilmember Owel pointed out a discrepancy in the memo and ordinance regarding fees, and made an additional suggestion to clarify section 12.14.018 - C. This ordinance will return for a second reading at the next council meeting.

7. Change Order No. 3 - Wastewater Treatment Plant. Wes Hill introduced this change order in the amount of \$23,542.18 that would facilitate the successful completion and startup of

the project. He explained that the change order would also add an addition 94 working days to the project. He added before the completion of the project, he anticipated one additional change order.

MOTION: Move to approve authorization for the Public Works Director to execute Change Order No. 3 for the Wastewater Treatment Plant Expansion Project in the amount of \$23,542.18, and extending the contract by 94 working days. Markovich/Picinich - unanimously approved.

8. Bid Award - Pavement Replacement on Pioneer Way. Wes Hill explained that in 1992, the rupture of a waterline on Pioneer damaged the newly overlaid road at the intersection by Judson Street. He added that the damage had become increasingly worse, due to settling. He recommend approval of the bid from Lakeridge Paving.

MOTION: Move to approve the award and execution of the contract for pavement replacement at Pioneer Way to Lakeridge Paving Company, as the lowest responsible respondent, for their price quotation proposal amount of \$9,949.00. Markovich/Picinich - unanimously approved.

MAYOR'S REPORT:

50th Anniversary Celebration / Schedule - Mayor Wilbert explained that several new items had been added to the 50th Anniversary Schedule. She handed out "Time Capsule" envelopes, a project by the Harbor Ridge Middle School Students, for Councilmembers to consider for use. She announced the "Mayor's Big Band Dance" to be held Friday, July 26th, co-sponsored by the Spadoni Family. She also added that the Mariner's would be dedicating a game to the City's 50th Anniversary, and the date would be chosen later. She also added that the Swedish American Jubilee would be visiting that week.

COUNCIL COMMENTS:

Councilmember Ekberg said he could see the need for major changes in dealing with the handing of change of occupancy in buildings in the city. He asked legal counsel to draft an ordinance that staff would feel comfortable with, allowing the process to be more workable. Carol Morris commented that Mark Hoppen had already begun polling other cities on this issue. She added that she would review other policies and draft an ordinance.

STAFF REPORT:

Mark Hoppen explained to Council that Jim Richardson had contacted him requesting that the lien on the Minter property be released and subordinated to the mortgage on the house. He added that he thought the house was enough of an asset to reclaim the judgement. He said that time was running out before the house went into foreclosure and recommended that Council authorize him to

close up the affair and tie the reminder of the judicial lien to the house. Councilmembers agreed to authorize Mark to clarify what other lienholders may be on the house, and proceed.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Anchorage Park Meeting - Tuesday, June 18th, at City Hall at 10:00 a.m.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16038 through #1098 in the amount of \$37,216.25.
Owel/Ekberg - unanimously approved.


MOTION: Move approval of payroll checks #12626 through #12742 in the amount of \$184,480.01.
Owel/Ekberg - unanimously approved.


EXECUTIVE SESSION: Canceled.

ADJOURN:

MOTION: Move to adjourn at 9:22 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 427 - Side B 371 - end.
Tape 428 - Both sides.
Tape 429 - Both sides.
Tape 430 - Side A 000 - 188.


Mayor


City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JUNE 24, 1996

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

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARING:

1. UGA Preannexation Zoning (Second of two required hearings). Mayor Wilbert opened the public hearing on this item. Ray Gilmore explained that this was the second of two required hearings for the proposed zoning for the Urban Growth Area. He added that Council did not have to act on this item this evening.

Walt Smith - PO Box 191, Gig Harbor. Mr. Smith spoke about the proposed Employment District zoning classification and how it limits development. He asked that this designation be remanded back to the Planning Commission for a text amendment to this designation.

Mike Scannel - 9424 Milton Avenue. Mr. Scannel said he had been asked by Doug Howe to speak to Council regarding the Employment District zoning designation. He said that the setbacks are too restrictive and asked that this be remanded back to the Planning Commission for reconsideration.

Del Stutz - 3003 Harborview Drive. Mr. Stutz said he purchased his property on Burnham Drive under Pierce County's zoning in anticipation of future business growth in the area. He said that he just found that the zoning for his property under this proposal would be residential, which he felt was incompatible with the Sportsmen's Club across the road. He asked that reconsideration be given to this area to be changed to C-1. Mr. Gilmore explained that the area in question was in the mixed-use zone in the Comprehensive Plan, and that a change to C-1 would require an amendment to the Comp Plan.

Paul Cyr - 4102 55th St. Ct. NW - Mr. Cyr again asked for reconsideration on the proposed zoning for the Stroh properties on Hunt by the Community College and by the Medical Center. Both properties are currently proposed to be RB-2 and the property owners would like it to be designated to B-2.

There were no more comments from the public or from the staff. Mayor Wilbert closed the Public Hearing on this item at 7:26 p.m.

2. Parks and Recreation Plan Draft. Mayor Wilbert opened the public hearing on this item at 7:27 p.m. Mr. Gilmore gave a brief introduction to these recommendations from the Planning Commission revising the Parks and Recreation Element of the Comp Plan. He added that the first reading of the ordinance to adopt these recommendations followed later in the agenda.

Brook Kauppila - 7770 Kauppila Lane - Ms. Kauppila said she had just received a letter regarding the removal of the highline road for equestrian trails in the plan. She strongly urged reconsideration,

because places to ride have become scarce, and there was so much support in favor of keeping the trails available to equestrians.

Paul Cyr - 4102 55th St. Ct. NW - Mr. Cyr said that this was a nice proposal for the city. He added that he didn't see the Tallman ballfield project included in the inventory, and said that this was a significant park for the city and would like to see it included in the document as an errata.

There were no further public comments. Ray Gilmore introduced Tom Beckwith, the consultant involved with the proposal. Mr. Beckwith gave a presentation on the development of the plan.

Mayor Wilbert closed the public hearing on this item at 7:42 p.m.

CALL TO ORDER: 7:42 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the June 10, 1996 meeting as presented.
Picinich/Markovich - unanimously approved.

CORRESPONDENCE / PROCLAMATIONS:

1. Pierce County - Community Development Consortium Agreement. Mayor Wilbert gave a brief explanation of the programs involved in the consortium.
2. Friends of the Peninsula Library - Proclamation. Mayor Wilbert read the proclamation and presented it to Judy Buskirk from Friend of the Peninsula Library. Ms. Buskirk gave a brief presentation on the organization and introduced the members present in the audience.

OLD BUSINESS:

1. Second Reading of Ordinance - Street Vacations. Mark Hoppen introduced the second reading of this ordinance.

MOTION: Move to approve Ordinance No. 723 regarding Street Vacations.
Markovich/Owel - unanimously approved.

2. Second Reading of Ordinance - Preannexation Zoning for UGA. Ray Gilmore answered Council's questions regarding the passing of this ordinance. It was decided to bring this back for reintroduction at the July 22nd Council meeting to allow for more time for consideration.
3. Second Reading of Ordinance - Chapter 17.04, Definitions. Ray Gilmore introduced the second reading of this ordinance to modify certain definitions to be consistent with State law.

MOTION: Move to approve Ordinance No. 724.
Markovich/Picinich - unanimously approved.

4. Second Reading of Ordinance - Title 17, GHMC ("Clean-up" Ordinance). Ray gave a brief overview of this ordinance and recommended it's adoption.

MOTION: Move to approve Ordinance No. 725.
Picinich/Owel - unanimously approved.

5. Second Reading of Ordinance - Chapter 18.08 (Wetlands Management). Ray introduced the second reading of this ordinance updating the city's environmental codes to provide continuity with the Regulatory Reform Act.

MOTION: Move to approve Ordinance No. 726.
Markovich/Picinich - unanimously approved.

6. Second Reading of Ordinance - Chapter 18.12 (Critical Areas). Ray explained that this ordinance, too, was updating the city's environmental codes to provide continuity with the Regulatory Reform Act.

MOTION: Move to approve Ordinance No. 727.
Markovich/Picinich - unanimously approved.

7. Extension of Hearing Examiner Contract. Mark Hoppen presented this extension to the Hearing Examiner's contract to be effective through the month of December, 1996.

MOTION: Move we approve the extension to the Hearing Examiner's contract.
Markovich/Picinich -

Carol Morris, legal counsel, suggested that the language in the contract that referred to chapter 17.10 of the Gig Harbor Municipal Code be modified to eliminate any specific reference to any one section.

MOTION: Move to adopt changes to the contract as suggested by legal counsel.
Markovich/Picinich - unanimously approved.

AMENDED MOTION: Move we approve the extension to the Hearing Examiner's contract with changes to language as suggested by legal counsel.
Markovich/Picinich - unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance - Draft Parks and Recreation Plan; Amendment to City of Gig Harbor Comprehensive Plan. Ray Gilmore explained that this item would be brought back at the July 22nd regular council meeting.

2. First Reading of Ordinance - Coulter Rezone (REZ 94-01). Ray Gilmore gave a brief history of this request to do a contract rezone on this parcel located at the corner of Peacock and North Harborview Drive, which fronts Franklin Avenue. He explained that the parcel was split by a R-1 and B-2 zoning, and the proposed zoning would be R-3. Councilmember Owel said she had testified at the public hearing on this item, therefore would be recusing herself from the proceedings. This will return for a second reading at the July 8th council meeting.

3. First Reading of Ordinance - Amendment to GHMC, Chapter 15.12, Responsibility for Fire Investigations. Ray Gilmore introduced this ordinance revising the municipal code to reflect changes made after the adoption of Senate Bill 6403, delegating the responsibility for fire investigations within the City of Gig Harbor to the Pierce County Fire District #5 Fire Chief. This will return for a second reading at the next council meeting.

4. First Reading of Ordinance - Repeal of Chapter 5.20 of the GHMC - Taxicabs. Mark Hoppen explained that the current code was outdated, and that a taxicab service could more effectively be regulated through the existing business license process. This will return for a second reading at the next council meeting.

5. Shoreacres Water Company Contract. Mark Hoppen introduced this renewal of the four year contract to supply water to the Shoreacres Water Company. He explained that legal counsel had provided language changes to the arbitration section of the contract.

Councilmember Markovich commented that the standard utility extension language regarding annexation should be included in this contract, as the city was providing utilities just as they were to other outside city limits extension requests.

Charles Knowles - 2506 27th St. Ct. NW - Mr. Knowles said that he was the President of the Board of Director for Shoreacres Water Company. He said that the contract could not be changed because 90 days notice had not been given.

Councilmember Markovich said that due to this notification clause in the contract, he did not think this contract could be modified to include this language at this time but requested that the next time the contract came up for renewal, it be brought to council well enough in advance for inclusion of this language.

MOTION: Move we approve the contract with Shore Acres Water Company and that staff bring this issue back to Council one year prior to expiration of the contract.

Platt/Markovich -

Councilmember Platt asked how the arbitration language could be deleted, and yet the contract could not be changed otherwise, and suggested amending the contract to be valid

for a one year term. Carol Morris said she did not interpret the contract in the same way as Councilmember Markovich. She added that council could initiate annexation efforts at any time utilizing the election method. Mark Hoppen said that the majority of the population in Shoreacres would vote in favor if they understood the facts. After discussion, Council directed Mr. Hoppen to contact members of the Shoreacres Board of Directors and discuss changing the contract to include annexation language.

Councilmember Markovich withdrew his original motion.

MOTION: Move to table this item to the July 22nd meeting.
Platt/Picinich - unanimously approved.

6. Utility Extension Request - Michael Paul (Knightsbridge). Mark Hoppen presented this request for sewer and water to property previously known as Knightsbridge. He explained that utility extension had been approved previously under another owner, and that one duplex already was hooked up, but that the contract had expired, requiring the new owner to reapply. Wes Hill explained that he had added a requirement for construction of curb and sidewalk along the parcel frontage.

MOTION: Move to approve utility extension to this property.
Picinich/Markovich - unanimously approved.

7. Liquor License Renewals - Harvester, Puerto Vallarta, and Roundtable Pizza. No action taken.
8. Special Occasion Liquor License - 50th Anniversary Inc. of City. No action taken.

MAYOR'S REPORT:

Neighborhood Assistant Teams - City of Gig Harbor. Mayor Wilbert explained that the Peninsula Citizens Emergency Training would be meeting to discuss training neighborhoods for a major disaster. She talked about the form that might be utilized to gather information to establish Neighborhood Assistance Teams.

COUNCIL COMMENTS: None.

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS: None.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16099 through #16170 in the amount of

\$85,071.37.

Owel/Platt - unanimously approved.

APPROVAL OF PAYROLL:

Mark Hoppen explained that due to a misunderstanding at the last council meeting on the notations on the payroll list because of a mid-month deduction, the total was changed. The following motion was made to correct the payroll approval.

MOTION: Move approval of payroll checks #12626 through #12742 in the amount of \$183,763.32.

Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION: For the purpose of discussing claims and property acquisition.

MOTION: Move to adjourn to executive session at 8:56 p.m. for the purpose of discussing claims and property acquisition for approximately 15 minutes.
Picinich/Markovich - unanimously approved.


MOTION: Move to return to regular session at 9:10 p.m.
Markovich/Picinich - unanimously approved.

MOTION: Move that we reject the claim for damages from Mr. Verdall.
Picinich/Markovich - unanimously approved.

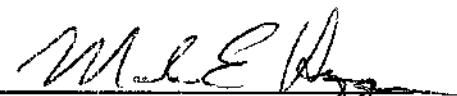
ADJOURN:

MOTION: Move to adjourn at 9:12 p.m.
Platt/- unanimously approved.

Cassette recorder utilized.
Tape 430 - Side A 190 - end.
Tape 431 - Both Sides.
Tape 432 - Side A 000 - 023.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JULY 8, 1996

PRESENT: Councilmembers Owel, Picinich, Ekberg and Mayor Wilbert. Councilmembers Markovich and Platt were absent.

PUBLIC COMMENT / DISCUSSION: None.

CALL TO ORDER: 7:04 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the June 24, 1996 meeting with corrections. Picinich/Owel - unanimously approved.

CORRESPONDENCE / PROCLAMATIONS:

1. WFOA - Distinguished Budget Award. Mayor Wilbert introduced Tom Enlow, Finance Director, who explained that the Washington Finance Officer's Association had recently adopted the national criteria for budget awards and that he was pleased that the City's 1996 budget won this award with the more stringent requirements.
2. Viacom Cable - Transfer of Control to TCI. Mayor Wilbert explained that this letter was just informational.
3. Letter from Richard Freshley - Council Chambers. Mayor Wilbert introduced this letter suggesting that the podium be moved to allow the speaker to be heard by the audience as well as the Councilmembers. Councilmember Picinich added that the acoustics in the room are poor and asked staff to look into a more suitable sound system for the room in the next budgetary year.
4. Letter from Larry Storset. Mayor Wilbert introduced this letter from Larry Storset announcing that he had enjoyed his term on the Planning Commission which was ended in June. She added that the process to choose someone to fill the position would begin shortly.

OLD BUSINESS:

1. Second Reading of Ordinance - Coulter Rezone (REZ 94-01). Ray Gilmore asked that this item be tabled until the July 22nd meeting, as Councilmember Owel would be recusing herself from the item, which would not leave a quorum to vote.

MOTION: Move to table this item until the July 22nd regular Council meeting. Ekberg/Picinich - unanimously approved.

2. Second Reading of Ordinance - Amendment to GHMC, Chapter 15.12, Responsibility for Fire Investigations. Ray Gilmore introduced the second reading of this ordinance revising

the municipal code to reflect changes made after the adoption of Senate Bill 6403, delegating the responsibility for fire investigations within the City of Gig Harbor to the Pierce County Fire District #5 Fire Chief.

MOTION: Move to approve Ordinance No. 728.
Ekberg/Owel - unanimously approved.

3. First Reading of Ordinance - Repeal of Chapter 5.20 of the GHMC - Taxicabs. Mark Hoppen introduced the second reading of this ordinance and recommend adoption.

MOTION: Move to approve Ordinance No. 729.
Owel/Ekberg - unanimously approved.

4. Emergency Management Agreement. Mark Hoppen introduced this agreement with Pierce County to provide Emergency Management services for \$.60 per person. He added that this fee would be pro-rated. Carol Morris mentioned that she had found a few typographical errors in the contract which were listed in a memo. Mark Hoppen spoke briefly about the Employee Emergency Handbook that had been developed and explained that it had been reviewed by all the employees and Pierce County Emergency Management for comments.

MOTION: Move we accept the contract with corrections suggested by legal counsel.
Picinich/Owel - unanimously approved.

5. Chamber of Commerce - Counter Proposal. Mark Hoppen gave an overview of the options that had been proposed by the Chamber of Commerce for the purchase of the Bogue Building.

MOTION: Move this item be tabled until it could be discussed in Executive Session.
Ekberg/Owel - unanimously approved.

NEW BUSINESS:

1. Washington Natural Gas Franchise - First Reading. Mark Hoppen introduced this franchise between the City and Washington Natural Gas to run gas lines in City easements. He explained that negotiating the terms of the contract had been difficult and had taken several years because of reorganization within WNG. He added that this proposed franchise would be printed in the local paper and would come back at the next council meeting for a public hearing and second reading.
2. Amendment to GHMC - Cabarets. Chief Mitch Barker explained that the current code incorrectly refers to the wrong chapter in reference to noise. He added that this was a housekeeping ordinance that would change the code to correctly refer to Chapter 9.34, Crimes Relating to Public Peace. This ordinance will return for a second reading at the next council meeting.

3. Community Forest Grant Agreement. Mayor Wilbert introduced Tish Carr, representing the Department of Natural Resources and thanked her for her assistance during the process. Ms. Carr gave a brief overview of the \$2,000 Urban Forest grant approval recently received by the City. Ms. Carr added that the hardest part of the program is applying for the grant, which had already been done. She said the State was anxiously awaiting the signed agreements.

MOTION: Move we authorize the Mayor to sign the Community Forest Grant Agreement.

Picinich/Ekberg - unanimously approved.

4. Liquor License Assumption - WB Scotts to Spiros Pizza & Pasta. No action taken.

MAYOR'S REPORT:

50th Anniversary "Selection of Art" Mayor Wilbert explained that several local artists had submitted artwork to be considered for purchase for the foyer at City Hall. She added that donations from the public would purchase the artwork in commemoration of the City's 50th Anniversary. She asked that Councilmembers review the paintings, and that a choice be made at the next Council meeting.

COUNCIL COMMENTS: Councilmember Picinich gave a report on the Gig Harbor / Key Peninsula Coalition Network. He said he had been attending meetings two times a week over the last few months. He added that the group was a non-profit organization that was going strong and that there was a lot of support from the community.

STAFF REPORT:

1. Employee Emergency Handbook. Mark Hoppen presented this under the Emergency Management Agreement agenda item.
2. Quarterly Report. Tom Enlow passed out the quarterly report, adding that the quarterly ending fund balances were as expected or a little better. He gave a brief report on the department expenditures, and added that a budget amendment would be necessary to remove the revenues and expenditures anticipated for the Westside Annexation, which would be delayed.
3. Westside Annexation. Mark Hoppen said that the Boundary Review Board had a submission from property owners requesting further review and a public hearing, which could extend the time frame an additional 120 days, placing it past the November election deadline. Ray Gilmore said he would be obtaining more information which he would share at a later date.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Gig Harbor Key Peninsula Coalition Network - Wednesday, July 10th, 7:00 p.m. at the Peninsula School District Administration Building.
2. Puget Sound Regional Council - General Assembly Meeting, July 11th.

Mayor Wilbert said this meeting's agenda would contain the resolution for the Metropolitan Transportation Plan that includes the third runway at SEATAC Airport. She asked for direction from Council on how they would like her to vote on the third runway issue at SEATAC. Councilmember Owel said she would be against the third runway. Councilmember Ekberg said he was in favor of the runway because it's obviously the only place in the region to have an airport and it needs the additional runway to be able to handle the traffic. Councilmember Picinich said he is against the third runway, and that areas like Bremerton or Olympia could handle the traffic. He added that he would not like to see the Mayor go to the meeting and cast a vote that did not reflect the wishes of all the Council, and asked legal counsel if it would be appropriate to make a motion. Carol Morris answered that if Council was going to give direction on how to vote it should be done by motion.

MOTION: Move we send Mayor Wilbert to the General Assembly Meeting with the understanding she is speaking for the Council, and that she vote no for the third runway.
Picinich/Owel -

Councilmember Ekberg mentioned that because this was not an agenda item, no presentation had been given, each of the Councilmembers have their own opinions, and there was not the correct forum to discuss the issue, that the Mayor should not go forth as an official representative for the city. He added that if each member wanted to go the to meeting and voice their own individual opinion, that would be appropriate.

MOTION: Move to table the motion.
Ekberg/ no second was made.

Councilman Picinich withdrew his original motion.

APPROVAL OF BILLS:

MOTION: Move approval of checks #116171 through #16241 in the amount of \$62,034.65.
Owel/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of June payroll checks #12743 through #12870 in the amount of \$189,435.05.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION: For the purpose of discussing a property sale.

MOTION: Move to adjourn to executive session at 8:10 p.m. for the purpose of discussing a property sale for approximately 20 minutes.
Picinich/Ekberg - unanimously approved.


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

MOTION: Move that we reject the offer from the Chamber of Commerce and that we go back with the original offer and stipulate the fact that the Chamber has a 30 day period in which to reply to our offer with the corrections made that the City would provide title insurance, share the cost of escrow and add the financing condition, paragraph 19.
Picinich/Ekberg - unanimously approved.


ADJOURN:

MOTION: Move to adjourn at 8:30 p.m.
Owel/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 432 - Side A 025 - end.
Tape 432 - Side B 000 - end.
Tape 433 - Side A 000 - 129.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JULY 22, 1996

PRESENT: Councilmembers Owel, Picinich, Ekberg, Markovich, Platt and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION:

Elizabeth Pilling - 10297 Bethel Burley Rd., Port Orchard WA 98366. "Betty Boop" talked about her involvement in the production of a commemorative issue of Accent magazine covering the 50th Anniversary of Gig Harbor. She spoke about all the help she received from the community on this project and praised Gig Harbor for its friendly assistance. She presented the Mayor and City Council with a signed edition of the magazine.

PUBLIC HEARING:

Washington Natural Gas Franchise Agreement. Mayor Wilbert opened the public hearing on this item and invited public comment. There being no public comment Mayor Wilbert closed the public hearing on this item at 7:20 p.m.

CALL TO ORDER: 7:21 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the July 8, 1996 meeting as presented.
Picinich/Ekberg - unanimously approved. Councilmembers Markovich and Platt abstained.

CORRESPONDENCE / PROCLAMATIONS:

Proclamation - Maritime History Week. Mayor Wilbert spoke about the Maritime History group. On Sunday, they brought gigs into the harbor and offered rides and rowing instruction for the 50th Anniversary celebration.

OLD BUSINESS:

1. First Reading of Ordinance - Preannexation Zoning for UGA. Ray Gilmore explained that this was a reintroduction of this ordinance since three regular meeting dates have passed since the ordinance was originally introduced. He presented the recommendation by the Planning Commission for the preannexation zoning map for the cities Urban Growth Area. Mr. Gilmore pointed out that a summary of the comments received at the May 13th and June 24th Public Hearing was in the council packet. He further explained that this summary included the comments along with the Planning Commissions response.

Councilmember Markovich asked for further clarification of the Employment District zoning restrictions as they apply to Walt Smith's property. Mr. Gilmore explained that the Planning

Commission, after getting additional testimony, did not place an absolute limit on height, the intent being to preserve open space. After hearing the public comment, they determined it was unlikely that uses in that area would require building over two or three stories. Councilmember Markovich expressed a desire to have the Planning Commission revisit these standards apart from the adoption of the UGA zoning map. Mr. Gilmore stated that he hoped to bring this before the Planning Commission in two months.

Councilmember Picinich asked if Walt Smith's comments had been considered by the Planning Commission. Mr. Gilmore stated that no, his comments had not been considered because to amend the regulatory code at this time would require pre-notification of agencies and we will be addressing changes in one group this fall. Councilmember Picinich inquired if the same applied to Del Stutz's comments. Mr. Gilmore indicated that Mr. Stutz's case is a little different because of how the county had designated his property. His request would require review by the Planning Commission because it would require an amendment to the Comprehensive Plan.

Councilmember Markovich asked then if those comments that had been received could be addressed by alternative methods. Mr. Gilmore said that those that have not been already considered can be taken back to the Planning Commission. Councilmember Picinich inquired whether that would apply to the Stroh and Sweeney properties. Mr. Gilmore replied that, yes, it would be the same situation.

Mr. Gilmore stated that they could adopt this in one reading if the Council so desired. It was decided to wait until next meeting for a vote.

2. Draft Parks and Recreation Plan. Mayor Wilbert introduced Tom Beckwith, from Beckwith Consulting, and Public Works Director Wes Hill. Mr. Hill introduced Planning Director, Ray Gilmore. Mr. Gilmore introduced this proposed amendment to the Comprehensive Plan and suggested that perhaps Council would like to hold a worksession with Mr. Beckwith.

Councilmember Markovich asked how the adoption of this plan would impact what the City does in Parks and Recreation over the next budget cycles, and how much flexibility the city would have to delete or add new projects. Mr. Gilmore explained that there is a funding element involved; however, the real commitment is in the six-year funding program. He added that it could be changed; although, if impact fees have been collected, such fees would have to be returned with interest. Councilmember Markovich stated this was a substantial consideration; therefore, he felt a worksession was necessary. City Administrator Mark Hoppen further clarified the grant ramifications of the document.

Councilmember Ekberg stated that he would be in favor of a worksession with the Planning Commission.

It was decided that a worksession would be held with the Planning Commission and Tom

Beckwith on September 16, 1996 at 6:00.

3. Second Reading of Ordinance - Coulter Rezone (REZ 94-01). Ray Gilmore gave a brief overview of this ordinance and recommended adoption.

MOTION: Move to approve Ordinance No. 730.
Picinich/Markovich - unanimously approved - Councilmember Owel recused.

4. Second Reading of Ordinance- Washington Natural Gas Franchise. Mark Hoppen introduced the second reading of this ordinance and recommended adoption.

MOTION: Move to approve Ordinance No. 731.
Markovich/Ekberg - unanimously approved.

5. Second Reading of Ordinance - Amendment to GHMC - Cabarets. Police Chief Mitch Barker explained that this was just a housekeeping ordinance to correct a typographic error in the code and recommended adoption.

MOTION: Move to approve Ordinance No. 732.
Platt/Picinich - unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance - Planning Commission Recommendation, Revision to Section 17.96.020 (Site Plan Review). Planning Director Ray Gilmore explained that this was under the direction of the City Council for the Planning Commission to consider the amendment to the Site Plan Review section of the zoning code, which would waive the requirements for site plan review in those situations where an existing building is proposed for a use that is permitted under the zoning code.

MOTION: Move to approve Ordinance No. 733 at the first reading.
Markovich/Picinich - unanimously approved.

2. Hearing Examiner Recommendation, SPR 95-13, Getty Office Building, 6565 Kimball Drive; Resolution for Approval. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query.

Ray Gilmore explained that this proposal was the last application processed before Title 19 was adopted effective April 1, 1996. He further stated that the proposal is two buildings totaling 61,000 square feet of professional office space constructed in two phases over the

next three years.

Councilmember Markovich asked about the vesting issue. Was a building permit applied for and what impact does that have on this project?

Mr. Gilmore explained that one of the buildings may be over-sized and he had spoken to Dave Freeman about that issue and they were aware that they were not vested. He further stated that Mr. Freeman was not concerned about the vesting issue, since it resulted in only a difference of 1,000 or 2,000 square feet.

Councilmember Markovich expressed his desire to remain consistent on the limitation of buildings to 35,000 square feet. Mr. Gilmore stated that one building was 26,000 square feet and the other was just a little over 35,000 square feet and it had been discussed with Snodgrass-Freeman that they were not vested and when construction of phase two begins they will have to construct a building of slightly smaller floor area.

Councilmember Owel pointed out that the site plan shows 25,000 and 36,000 respectively.

Mark Hoppen asked if the code would prevail even though their application states 36,000. Mr. Gilmore stated that if this is an issue we should amend the resolution to read that the maximum size of a building in this district is 35,000.

MOTION: Move approval of Resolution No. 475 with the addition of item 14 to limit the floor area of a building to 35,000 square feet.
Picinich/Owel -

Councilmember Ekberg asked about the reason for the gated emergency access. Mr. Gilmore replied that if they leave it open it would become a public street which would have to be paved. Councilmember Ekberg further expressed that he liked to see connections rather than dead ends. Mr. Gilmore stated that we could not make that a condition of site plan approval, that would have to be addressed in our six year Transportation Improvement Plan.

RESTATED MOTION: Move approval of Resolution No. 475 with the addition of item 14 to limit the floor area of a building to 35,000 square feet.
Picinich/Owel - Unanimously approved.

3. Planning Commission Recommendation, Draft Design Review Manual for the City of Gig Harbor. Associate Planner, Steve Osguthorpe gave a short overview of what had been accomplished over the last year by the Design Guidelines Technical Committee in conjunction with the Planning Commission to develop a Design Guidelines Manual to implement the city's goals as set forth in the design element of the Comprehensive Plan. He further explained that some changes had been made to the manual since the Public Hearing

on June 13th. These changes were a result of worksessions with the Planning Commission, Public Hearings, and suggestions by City Attorney Carol Morris. Mr. Osguthorpe further stated that the City Attorney had advised that another Public Hearing be held since she felt the changes were substantive. The staff has scheduled this hearing for August 12th. He then asked if Council had any questions.

Councilmember Markovich expressed appreciation for all the work that had been done on the document and for the extra time this would provide to further review the document and formulate questions.

Mr. Osguthorpe further pointed out that a table which outlined the design elements of the Comprehensive Plan and references to where in the Design Manual these policies would be implemented, was included in the packet.

Mayor Wilbert asked if Council would like to have a workshop on this. Councilmember Ekberg stated that a Public Hearing should be held first.

Mr. Osguthorpe pointed out that an example of the proposed format of the document was displayed at the back of the room. He then brought the example forward to display to the Council.

4. Liquor License Renewals - Captain's Terrace; Emerald Star; Hunan Garden; Kinza Teriyaki; The Captains Keep; and The Green Turtle. No action taken.

MAYOR'S REPORT:

50th Anniversary "Selection of Art" Mayor Wilbert explained that several local artists had submitted artwork to be considered for purchase for the foyer at City Hall. She added that donations from the public had been collected by the Gig Harbor Peninsula Historical Society and would purchase the artwork in commemoration of the City's 50th Anniversary. \$255.00 has already been collected. She had asked that Councilmembers fill out ballots selecting 1st, 2nd and 3rd choices. The ballots were submitted and counted.

MOTION: Move to select the artwork with the majority vote.
Owel/Platt - unanimously approved.

(A counting of ballots indicated that Doug Michie's artwork would be selected. Sandra Newhouse was mistakenly mentioned; she was not the majority vote, she was the second place choice.)

COUNCIL COMMENTS: Councilmember Markovich praised the 50th Anniversary celebration over the weekend. He expressed a desire to have some sort of weekend celebration every year. Discussion followed about having a 4th of July celebration or perhaps just a weekend event with some of the similar offerings that we already have. The Mayor mentioned that she had spoken with

some people who were willing to organize music at Jerisich Park for next year on Sundays in August.

STAFF REPORT:

1. Police Department - Chief Barker. Chief Barker gave the June report. He also gave some updated information on recent arrests that have been made of the individuals they believe are responsible for a majority of the vehicle thefts in the area. Chief Barker presented a form the Police Department is beginning to use to post on vehicles as a warning of parking violations and other infractions. Chief Barker also gave a short report on his opportunity to drive the City's 95 year old, former (1964-1966) Police Chief in the parade.
2. Mid-Year Report. Mark Hoppen presented the Mid-Year Report for Council's review and asked that each Councilmember call him and respond as they get the time to read it.

Councilmember Platt asked Public Works Director, Wes Hill, the reason for having to spend \$2200.00 to pump out the Wastewater Treatment Plant. Mr. Hill explained that the materials processed through the ATAD unit presented a potential for upset of the remainder of the plant's operation; therefore, it was determined necessary.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16242 through #16309 in the amount of \$46,769.12.
Owel/Ekberg - unanimously approved.

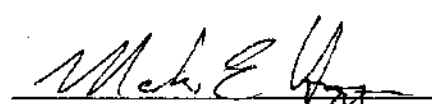
EXECUTIVE SESSION: None.

ADJOURN:

MOTION: Move to adjourn at 8:25 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 433 - Side A 129 - end.
Tape 433 - Side B 000 - end.
Tape 434 - Side A 000 - 191.


Mayor


City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF AUGUST 12, 1996

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

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARING: City of Gig Harbor Design Manual; Design Review Board; Design Standards and Review.

Steve Osguthorpe introduced the three ordinances before Council that would adopt a Design Manual, amend GHMC Chapter 2.21, establishing a design review board, and GHMC Chapter 17.98 establishing a design review process. He explained that this was the first reading and second public hearing for these ordinances.

Mayor Wilbert called the public hearing to order at 7:15 p.m. and invited members of the audience who had signed up to speak to come forward.

Tommi Smith - 3414 Harborview Drive. Ms. Smith read a prepared statement in favor of the design manual. She explained that she had lived all around the world and had seen the results of growth without planning. She asked that the Council approve the design manual to prepare for the future growth of the City.

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich emphasized that he had lived in Gig Harbor for 70 years, and he too, had been around the world. He said the City of Gig Harbor is showing the largest draw seen in years due to the harbor and the quaint town, and he didn't know how you could spoil the city when there were only a dozen or so lots left undeveloped in the Millville area. He added that to follow the design guidelines to build on these lots would devalue the property because it would not allow for anything larger than a 1200 s.f. one-level, or a two-story that would block views. He also stressed that no one from the Millville area had been invited to serve on the technical committee. He said these guidelines would work on new developments, but not in already established areas.

Barbara Malich - 4120 Firdrona Drive. Ms. Malich explained that she was speaking on behalf of herself and her husband, Ken Malich, who own two developable lots in the Millville area. She thanked the Planning Commission, Design Review Committee and Design Guidelines Technical Committee for investing hours of their time to this effort, under the direction of the Council, who worked with the best interest of the community at heart. She continued to say she is in favor of the design review manual because she has seen the success of planned communities and the result of lack of planning. She went on to say that they want to honor the tradition of the city, by blending the best of the past, with the beauty of the future, while making the best use of the property. She urged the adoption of the design manual.

Bob Frisbie - 9720 Woodworth Avenue. Mr. Frisbie said his comments focus upon the historic Millville district. He suggested that a third option be added to allow what could be built in this district today, along with the two options in the design manual.

Paul Cyr - 4102 58th St Ct NW. Mr. Cyr asked how the design review process affected remodeling an existing structure. Steve Osguthorpe explained that only the new addition would be subject to the design criteria. Mr. Cyr then asked about the 120 day law recently passed. Carol Morris advised him that design review would be subject to Title 18, unless the owner requested design review, and signed a waiver to the 120 day rule. Mr. Cyr continued by adding a word of caution regarding the buffering/screening requirements along the Highway 16 corridor, stressing that businesses need to be visible.

Rick Gagliano - 8607 58th Avenue NW. Mr. Gagliano asked that due to possible adjustments or corrections that might need to be done to the guidelines while they were first being utilized, that the Design Review Board have some transitional authority to make those changes.

Dave Sierwrath - 6644 Snug Harbor Lane. Mr. Sierwrath said he came to speak in favor of the design manual proposal, but would like to see a 2-3 year "Sunset Law" included, where the ordinance would die unless renewed in case the rules and regulations proved to be too complex. He added that the height restrictions for buildings was valuable to protect views, but there was nothing to limit the height of vegetation, which he thought should be addressed. Mayor Wilbert said that she was going to be addressing that issue in the future.

Jack Bujacich - Mr. Bujacich asked for clarification on remodeling an existing structure. Steve Osguthorpe again stressed that only the new portion of a remodel would be subject to the design guidelines.

Mayor Wilbert closed the public hearing on these items at 7:53 p.m.

CALL TO ORDER: 7:54 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the July 22, 1996 meeting as presented.
Picinich/Ekberg - unanimously approved.

CORRESPONDENCE / PROCLAMATIONS:

1. Letter from Mary Erdahl, Pierce County Solid Waste Advisory Committee - Request for Applicants. Mayor Wilbert introduced this letter announcing four vacancies on the Solid Waste Advisory Committee.

2. Letter from Rudy Lukez - Bicycle and Pedestrian Safety. Mayor Wilbert said that Tom Enlow, Finance Director, was interested in bicycling and would be taking a look at the request.
3. Letter from Jack Poltz - Peninsula/Gig Harbor Kiwanis. Mayor Wilbert gave an overview of this report on the success of the pancake breakfast, and asked Wes Hill to check the electrical outlets at the park.
4. TCI Acquisition of Viacom. Mayor Wilbert explained that this letter was just informational.

OLD BUSINESS:

1. Planning Commission Recommendation, Draft Design Review Manual for the City of Gig Harbor. Steve Osguthorpe explained that there wasn't any new information, and pointed out that the Planning Commission's recommendation included a redefinition of the historic district. He added that this item required no action at this time.
2. Second Reading of Ordinance - Preannexation Zoning for UGA. Ray Gilmore introduced the second reading of this ordinance that would adopt city zoning for the Urban Growth Area. He added that the areas not affected by this were the area where the municipal shop was located, and the Gig Harbor North proposed annexation area, which has its own zoning agreement to be forwarded to the Boundary Review Board with the annexation proposal.

MOTION: Move to approved Ordinance No. 734.
Picinich/Owel - unanimously approved.

NEW BUSINESS:

1. Stinson Avenue Improvements. Wes Hill introduced this request from Cheri Grant to install sidewalk and roadway improvements fronting her remodel project on Stinson Avenue that would match the existing improvements installed by the Bush Polen project to the south of her property. He illustrated how the proposed design would align and explained that this proposed alignment deviated from the Public Works Standards for an minor arterial. He explained that if the sidewalk was realigned to meet the Standards, that it would allow for future expansion of the roadway without incurring additional cost to realign the sidewalk. Rick Gagliano, speaking for the Owner, explained that one of the objectives of the design guidelines was to allow for functional, and more interesting designs. He added that because this area of Stinson was transitional to a more residential area, the narrowing of the roadway at this point would slow traffic and allow for a viewing point for the harbor, and asked that the Owner be allowed to align the sidewalk with the existing section. Councilmember Markovich said he agreed that the curving of the sidewalk would lend interest to the roadway. Councilmember Ekberg also agreed and said he was not in favor of widening

Stinson in the future.

MOTION: Move Council defer application to full half-width upon recommended conditions of the Public Works Department, with the exception of Condition number 2, to read “Construct a 5.5-ft. wide sidewalk in accordance with the City’s Public Works Standards at approximately 20.5 ft. from and” and that the existing sidewalk to the south side of the property shall remain in place.

Markovich/Ekberg - unanimously approved.

2. First Reading of Ordinance - Design Manual for the City of Gig Harbor. Mayor Wilbert asked if there were any comments from Council or Staff on this item. It will return for a second reading at the next council meeting.
3. First Reading of Ordinance - New Chapter 2.21, Design Review Board. Mayor Wilbert asked if there were any comments from Council or Staff on this item. It will return for a second reading at the next council meeting.
4. First Reading of Ordinance - New Chapter 17.98, Design Standards and Review. Mayor Wilbert asked if there were any comments from Council or Staff on this item. It will return for a second reading at the next council meeting.
5. Jowers/Brown Outside Utility Request. Mark Hoppen introduced this request for 3.3 ERUs of sewer service to a parcel adjacent to ULID #2 and within the UGA.

MOTION: Move we approve the contract with recommended conditions of approval.
Markovich/Owel - unanimously approved.

6. H & T Enterprise Outside Utility Request. Mark Hoppen introduced this request for 10 ERUs of sewer service to a business park on two parcels adjacent to ULID #2 and within the UGA. Alan Kane, representing H & T Enterprise, voiced his concern that there was no time limit on the condition regarding participating in future signalization at the intersection of 56th Street NW and Olympic Drive. Carol Morris explained that language included in the contract, under section 15, limited any participation in an LID or ULID to ten years. Mr. Kane said that was acceptable.

MOTION: Move to approve the sewer contract with recommended conditions of approval.
Markovich/Picinich - unanimously approved.

7. McPherson Outside Utility Request. Mark Hoppen introduced this request for sewer extension for a parcel in ULID #2, located on the corner of Pt. Fosdick and Olympic Drive.

He explained that the project was not consistent with the proposed land use of the Gig Harbor Comprehensive Plan, which did not allow for a gas station on prominent corner lots. He added that the Public Works Department indicated that the project did not meet the city transportation standards because of the access on Olympic Drive. He added that the applicant believes that the project meets the exception criteria for outside sewer extension and would make presentation to that effect. Carol Morris informed Councilmembers that a copy of Ordinance 722, relating to exceptions to conformance regulations, had been given to them to help them focus deliberations.

Councilmember Markovich asked for clarification on why this project did not comply with the Public Works Standards. Wes Hill explained that the proposed driveway on Olympic Drive was too close to the intersection and to the existing driveway from QFC, causing safety concerns and decreasing the level of service on this arterial.

Carol Morris clarified that when the traffic exited the site on Pt. Fosdick and circled back to get back onto Olympic, they would be traveling through private property. Councilmember Picinich asked if this traffic pattern had been approved by the private property owner. Wes said it had been identified in the traffic analysis, but it was not part of the City's review process. He added that the analysis had identified the existing driveway at this location had already been identified at Level of Service 'F' for left hand turns, and slightly higher for right turns.

Councilmember Markovich asked why the City's Comprehensive Plan did not allow for a gas station at this location. Steve Osguthorpe explained that this corner location was designated as "visually sensitive" because it was a corner at a prominent, entry intersection. He added that the Planning Commission felt these were important corners to establish an identity and make a visual statement for the City and specifically determined that they are not appropriate for use by gas stations.

Councilmember Markovich asked if there were any other zoning or comprehensive concerns affecting this parcel. Ray Gilmore explained that in respect to zoning concerns, when the project was reviewed, the UGA zoning map was not in effect. Presuming the B2 zoning, which is proposed, was in effect, there are performance requirements, such as maximum impervious coverage, that would not be met by this plan. He added that a good portion of the vegetative buffer that appears on the plan is on County right of way. He said there are many performance standards of the zoning code that the project would not meet if the zoning designation were in place.

Ron McPherson - 2416 S.W. Lauderdale, Portland. Mr. McPherson gave a quick overview of his company and the projects that they build. He added that they felt positive when they found this prominent, high-traffic, high retail shopping area with a location right off the freeway. He described the project, and explained the layout of the site. He said that they understood the intent of the Comprehensive Plan and what it proposed to do, but that this area was high-intensity retail. He added that they had gone to great extremes to place their projects in smaller communities because of easier guidelines.

Mr. McPherson went on to explain that they have obtained the permits and variances for the

driveway from Pierce County to build this facility. He emphasized that they are not a gas station, which the Comprehensive Plan does not allow, and that they don't think the Comp Plan applies to this project. He said this is a prominent retail corner and this project is a good match. He answered questions about signage and traffic flow, and said that they had pursued an easement from Mr. Hogan for the adjacent property, which had been denied.

Mr. McPherson finalized by saying that their challenge was to convince Council that they conform to Ordinance 722 exception criteria, and reinforced that the site was not a prominent corner, but a retail corner. He introduced David Markley, traffic engineer, to address the traffic study.

David Markley - 16310 NE 80th, Redmond, Washington. Mr. Markley said he was hired to understand the County's regulations and to prepare a Traffic Impact Analysis. He described the challenge of meeting the setback requirements and separation of two driveways on the same site. He gave an overview of the technical aspect of the analysis, and explained that he had met with the County several times to work out the options. He added that these meetings had resulted in the safest, best balance of options. He said that these driveways were in accordance with Ordinance 722. He said that this project adapts to this type of traffic, and that the location was appropriate for this "convenience use."

Councilmember Markovich commented that Ordinance No. 722 had been adopted to allow flexibility for the very reasons demonstrated with this project. He said he looked at this corner as high-retail, and that this use was as good as any. He said that the applicant had extended the effort to make the project as nice as possible, and added that after hearing the applicant's presentation, that the project meets the intent of Ordinance No. 722. He said that because this corner was the only one left at this intersection that it was appropriate for another high-intensity use, and that this project fits within the intent of Ordinance No. 722. He added that he was happy to see the C-curb barriers preventing left-hand turns and that he did not think the project was detrimental to the area. He said that Council could, with good conscience, evoke the conditions in Ordinance No. 722 and approve this project and would move to do so.

Councilmember Owel asked the applicant why they were unwilling to sign the Utility Extension Capacity Agreement. Mr. McPherson answered that as it exists, the project would not comply with the Comprehensive Plan, and the conditions of the contract. He added that they would be willing to sign after approval of the project, utilizing the conditions of Ordinance No. 722. She asked Councilmember Markovich to restate the intent of his motion.

MOTION: Move to approve the Utility Extension on the condition that the applicant sign the Utility Extension Capacity Agreement in accordance with the exceptions of Ordinance No. 722. .
Markovich /

Carol Morris asked if Councilmember Markovich was considering only the issues in respect with compliance with the Comprehensive Plan. Councilmember Markovich asked for clarification of the

remaining issues. Mark Hoppen explained that there were two staff recommended alternatives. One, to remodel the project to meet the standards, issuing the standard contract, and two, that they comply with section 13.34 of the GHMC, including the exception criteria, following public works recommendations which would allow only one driveway. Mark suggested that Wes Hill review that recommendation.

Wes explained that his concern was that another driveway would detrimentally affect the level of service for the existing driveway and the entire intersection. Councilmember Markovich said that he thought that having only one ingress and egress made no sense. He continued by saying that both driveways made sense, the use fit, it was a good project, and that he would approve it the way it stands.

Mr. McPherson explained that every conceivable driveway configuration had been examined, and that this was the most functional. He added that a gasoline tanker truck could not maneuver within the lot with only one driveway. He said that by limiting the project to one driveway, it would double the trips of persons going through the QFC driveway and would cut his traffic flow in half.

Wes Hill asked Mr. Markley for additional information on the impact of the right turn only driveway located on Olympic Drive, on the existing QFC driveway. Mr. Markley said there would be some decline in the capacity at the QFC driveway due to the close proximity. He said there was no way to measure, predict or forecast the actual affect. Mark Hoppen asked if the existing Public Works Standard of 75' separation of driveways as opposed to the proposed 45' separation was merely a subjective or "seat of the pants" judgement. Mr. Markley said "I wouldn't call it 'seat of the pants'". Clearly, if we separate driveways, there is no question that the further they're separated, the better the operation."

Councilmember Ekberg said that he disagreed with Councilmember Markovich's interpretation of Ordinance No. 722, and added that the project does not meet the intent of the Comprehensive Plan or Public Works Standards. He added he was leaning toward Staff's recommendation, and if any changes were made to these recommendations, that it be returned for consideration before final approval. Councilmember Picinich said he also would like this item to return with more specific recommendations. He said he agreed that two driveways would be better than one, and thought the C-curb added some additional safety. He added that he thought this could be a functional project, and wanted the issues in question to be cleared up.

MOTION: Move to table any action on this item to allow staff and the proponents time to come up with possible alternatives and for it to return at the next meeting. Ekberg/Picinich - unanimously approved.

MAYOR'S REPORT: Review of the 50th Anniversary Week. Mayor Wilbert said that she had been invited to appear on KOMO "TV Presents Step I to Tacoma and Vicinity" program on Channel 4. She said she would speak about alternative transportation issues. She added that she had been approached about utilizing hovercrafts at the ribbon -cutting at the new Historical Museum.

COUNCIL COMMENTS: None.

STAFF REPORT:

Gig Harbor Police Department. Chief Barker gave a brief summary on the Marine Services and offered to answer any questions on the previous months stats.

Legal Counsel. Carol Morris introduced Jennifer Simpson, a new associate at Ogden, Murphy, and Wallace, and explained that Ms. Simpson would be working with her in Gig Harbor.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16310 through #16406 in the amount of \$128,284.47.
Owel/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:


MOTION: Move approval of payroll checks #12871 through #13003 in the amount of \$198,716.45.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION: None.

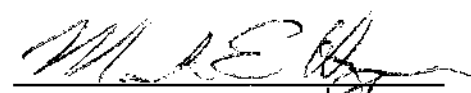
ADJOURN:

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

Cassette recorder utilized.
Tape 434 - Side A 192 - end.
Tape 434 - Side B 000 - end.
Tape 435 - Side A 000 - end.
Tape 435 - Side B 000 - end.
Tape 436 - Side A 000 - end.
Tape 436 - Side B 000 - end.
Tape 437 - Side A 000 - 286.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF AUGUST 26, 1996

PRESENT: Councilmembers Owel, Picinich, Platt and Mayor Wilbert. Councilmembers Ekberg and Markovich were absent.

PUBLIC COMMENT / DISCUSSION: None.

SWEARING IN CEREMONY:

Mitch Barker, Chief introduced two new members of the Reserve Officers Unit of the Police Department, Robert Baker and Jeff Maniatis. Mayor Wilbert read the oath of office and members of their families were asked to come up and pin on their badges.

CALL TO ORDER: 7:11 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the August 12, 1996 meeting as presented.
Picinich/Owel - unanimously approved.

CORRESPONDENCE / PROCLAMATIONS:

1. WFOA - Award of "Professional Finance Officer" to Tom Enlow. Mayor Wilbert congratulated Tom on winning this award for the fourth year in a row.
2. International Coastal Cleanup - Dave & Marilyn Tagert. Mayor Wilbert explained this event sponsored by the Tagert's Dive Shop to clean up the area under Jerisich Dock. She added that staff was investigating insurance issues. Ms. Tagert explained that the Dive Shop's insurance had agreed to cover the event, and only asked that the dock be reserved for a few hours for safety reasons. She added that this was part of the National Marine Conservation efforts and the Dive Locker was sponsoring the clean-up at no charge to the City. She said that Spiros Restaurant offered to donate food for the divers, and American Disposal was supplying the dumpsters.

OLD BUSINESS:

1. Second Reading of Ordinances - Design Manual for the City of Gig Harbor, Chapter 2.21, Design Review Board, and Chapter 17.98, Design Standards and Review. Steve Osguthorpe explained that during the first reading of these ordinances, there were several misinterpretations of the manual. He discussed these issues and read the Staff Recommendation for adoption of these ordinances that incorporated changes that came about from the last meeting. Councilmember Picinich voiced concerns regarding lot size and what would be allowed to be built within the historic area. Mr. Osguthorpe illustrated several building options and answered questions.

Councilmember Picinich emphasized that he recognized that a lot of hard work went into developing this design manual, but after receiving the letters he received, and hearing Mr.

Osguthorpe's presentation, he thought adjustments needed to be made to this section regulating the historic district before adoption of the Design Manual.

Councilmember Owel read a letter from Leta Dawn Stanton, recommending allowing the R-1 requirements as an option in the historic district, and referenced the letter from Jack Bujacich, who also expressed that a better option would be to give the property owner two choices; one to build a home under the present R-1, or let them use the Design Manual. Councilmember Owel added that she supported these suggestions to allow the current residential requirements to remain as an option in addition to the Design Guideline in the Historic District. Councilmember Picinich agreed.

After clarifying the definition and the boundaries for the option to be included in the historic district, the following motions were made.

MOTION: Move adoption of Ordinance No. 735, with condition that the Design Manual would be optional in the R-1 district within the historic district, and the owner has the option to use Chapter 17.16 standards of the Gig Harbor Municipal Code, and to add a new Section 2, stating that the Design Manual will be reviewed by the Planning Commission within two years after adoption with a recommendation to be returned to the City Council as to the retention of the historic district standards in the City Design Manual.
Picinich/Owel - unanimously approved.

MOTION: Move adoption of Ordinance No. 736, adopting Chapter 2.21 establishing a Design Review Board, and to include the conditions recommended by the staff to incorporate all the Council's changes and Planning Commission recommendations.
Picinich/Owel - unanimously approved.

2. McPherson Outside Utility Request. Mark Hoppen explained that this agenda item was tabled at the last council meeting. He added that the applicant had not had enough time to submit additional information, and recommended an extension of time.

MOTION: Move to remove this item from the table for discussion.
Owel/Picinich - unanimously approved.

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

NEW BUSINESS:

1. First Reading - Bicycle Helmet Ordinance. Tom Enlow introduced the first reading of this ordinance that would require bicycle helmets to be worn in city limits. He introduced Ralph

and Deena Wessels, representing the Tacoma Wheelman's Club. Mr. Wessels gave a presentation on the importance of wearing a helmet, quoting injury statistics. He encouraged council to pass this ordinance. This ordinance will return at the next council meeting for a second reading.

2. Juror Services Contract. Mark Hoppen explained that this contract with Pierce County for pre-qualified jurors was identical to the one approved last year.

MOTION: Move to authorize the Mayor to sign the enclosed Juror Services Contract for 750 qualified jurors in an amount not to exceed \$2,443.75.
Owel/Platt - unanimously approved.

3. Computer Purchase for Police Department. Chief Barker explained that in the 1996 Budget, money had been allocated to purchase two laptop computers for the patrol vehicles. He added that the supporting software/radio link capabilities would not be available for another 1-2 years, and requested that \$2,500 of the budgeted funds be used to purchase two new desktop computers for the department in lieu of the laptops.

MOTION: Move to approve the purchase of two desktop computers in place of the laptop computers specified in the budget, for the approximate amount of \$2,500.
Picinich/Platt - unanimously approved.

4. Liquor License Renewals - Bartell Drug and Gig Harbor Yacht Club. No action taken.

MAYOR'S REPORT: History Keeps Ringing My Bell Even After the 50th. Mayor Wilbert spoke about the video of Gerald Crosby and Vince Skansie discussing the history of the fishing boat "Genius", and invited Councilmembers to view the 45 minute video.

COUNCIL COMMENTS:

Councilmember Picinich added that it was a shame that the "Avalon" had left the Harbor and was tied up in Bellingham covered with Government stickers. He voiced concern that other, historic vessels may end up the same way, and added what a loss it would be to the history of the city. Mayor Wilbert invited him to serve on an Ad Hoc committee to reserve these historic vessels.

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

City Council Worksession to discuss the Comprehensive Parks Plan - September 16th, 6:00 p.m. at City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16407 through #16471 in the amount of \$33,506.79.
Owel/Platt - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to go into Executive Session at 8:25 p.m. to discuss litigation and personnel matters for approximately 20 minutes.
Platt/Picinich - unanimously approved.

MOTION: Move to return to regular session at 8:45.
Picinich/Platt - unanimously approved.

MOTION: Move to file a motion for reconsideration to the Court of Appeals regarding the Providence Ministries.
Picinich/Owel - unanimously approved.

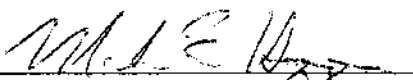
ADJOURN:

MOTION: Move to adjourn at 9:05 p.m.
Picinich/Platt - unanimously approved.

Cassette recorder utilized.
Tape 437 - Side A 287 - end.
Tape 437 - Side B 000 - end.
Tape 438 - Side A 000 - end.
Tape 438 - Side B 000 - 112.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 9, 1996

PRESENT: Councilmembers Ekberg, Owel, Platt, Picinich, Markovich and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION:

Walt Smith - 11302 Burnham Drive. Mr. Smith asked Council to consider a Resolution that had been drafted that would address the Westside Business Owner's concerns prior to the Boundary Review Board hearing scheduled for tomorrow. He explained that the Resolution would authorize a planning committee for the Westside Annexation Area consisting of a balance of residents and business owners. He asked that language be included in the Resolution to state that the process would be completed by the end of 1997.

Lois Eyrese - President of the Chamber of Commerce. Ms. Eyrese said she wanted to clarify that the proposed committee was intended to meet and make recommendations for changes in the Comprehensive Plan. She added that the business owners wanted a continued voice in the annexation process.

Paul Cyr - 55th St. Ct. NW - Mr. Cyr said he had been asked by the business owners to try to reach a consensus before the Boundary Review Board hearing. He thanked Ray Gilmore, Mark Hoppen, and Tom Enlow for meeting with their group to develop this Resolution. He asked that their hope would be for the Resolution to be acted upon this evening to show direction and set the tone for a community effort. He apologized for the lateness of the proposal.

Councilmember Picinich said he was impressed with the balance proposed for this committee and asked that this Resolution be added to the agenda as a new business item. Mayor Wilbert announced that the Resolution would be considered as number seven under new business, and asked Walt Smith to draft the language that they would like included regarding and ending date for the committee.

CALL TO ORDER: 7:22 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the August 26, 1996 meeting as presented.
Platt/Picinich - three voting in favor. Councilmembers Ekberg and Markovich abstained.

CORRESPONDENCE / PROCLAMATIONS:

1. Proclamation - Constitution Week. Mayor Wilbert introduced Lynne and Lloyd Sutherland, read the proclamation and then presented it to the Sutherlands.

OLD BUSINESS:

1. Second Reading - Bicycle Helmet Ordinance. Tom Enlow introduced this ordinance that

would require bicycle helmets to be worn in city limits, and provide consistent bicycle helmet laws throughout most of Pierce County. He added it was supported by the Police Chief, Tacoma Wheelmans Club and local bicycle shops. Councilmember Ekberg suggested that a sign be posted in addition to the "Bicycle Friendly Community" letting people know there is a helmet ordinance.

MOTION: Move to adopt Ordinance No. 737.
Picinich/Ekberg - unanimously approved.

2. McPherson Outside Utility Request. Mark Hoppen explained that this agenda item had been tabled twice, and subsequently, the request had been reviewed by both Planning and Public Works staff. He said the Planning Department's review indicated that the proposal was not consistent with the proposed land use because the Gig Harbor Comprehensive Plan specifically prohibits several uses on "prominent parcels," such as gas stations/food marts. He added that a listing of the minimum recommended conditions of approval was attached to the contract as Exhibit B. He added that Public Works review assessed that project was inconsistent with city transportation standards with respect to the proposed access to Olympic Drive and read the three pertinent conditions. He added that these recommended conditions for approval were included in Exhibit B.

Councilmember Platt asked if there was a way that this project could be constructed as to comply with the Comp Plan. Steve Osguthorpe explained that if, and only if the project were approved with two driveways, the plan could be modified to comply with the Comprehensive Plan. He said that the applicant had been in contact with Mr. Gilmore discussing modifying the plan and added that he himself had worked on a sketch that showed an alternative to the site plan that would meet requirements of the Comp Plan, but that it would still not meet the requirements of the Public Works Standards for driveway separation.

MOTION: Move to deny this application as it does not meet the Comprehensive Plan or the Public Works Standards.
Ekberg/Platt - Mayor Wilbert polled the Councilmembers individually as the vote was unclear. The poll was as follows:
Ekberg - aye; Owel - aye; Platt - aye; Picinich - aye; and Markovich - aye.
The motion to deny this request for sewer extension was unanimous.

Carol Morris, legal counsel, requested that Councilmembers discuss the criteria for which the decision for denial came about.

Councilmember Picinich said that the fact that the driveways do not meet city standards, because there needs to be at least 150' from the nearest intersection and 75' from the nearest driveway and still retain maximum width. Councilmember Platt stated that the service level does not improve with the second driveway proposed for Olympic Drive, drivers have less alternative access options with either one or two driveways, and the City of Gig Harbor has

less exposure for claims if the city conforms with its own standards with respect to driveway separation on Olympic Drive, especially in light of concerns relative to safety of turning movements and to potential conflicting traffic movements. Councilmember Picinich added that compliance with the Comp Plan preserves the visual quality of prominent parcels and view termination points by prohibiting uses such as parking lots, gas stations and convenience stores.

Councilmember Markovich said that he hoped that there would be a renewed application that further meets the purpose and intent of the Comp Plan. He added that he did not see it as a problem use on that corner, but it is obviously something specifically indicated as not appropriate for a prominent corner. He said that what was needed was a method to show how it could meet the intent of the Comp Plan. He added that the plan submitted does not meet that intent. He said that if the zoning, setbacks and design could be addressed properly, a plan could be approved.

Ron McPherson - 2416 SW Loridae, Portland. Mr. McPerson, owner and proponent of this project, said they had several meetings with staff since the item was tabled and he was flabbergasted at the approach taken this evening. He said they had come to several solutions except one, the driveway. He added that he could show that it is not good judgement to eliminate one driveway. He said they were willing to comply with everything with on Exhibit B except item 3, eliminating the north driveway to Olympic Drive. Councilmember Picinich stated that item number 3 was specifically stated as a reason for denial of the project.

Mr. McPherson went on to say that they had complied with everything that Pierce County had required of them and had received a variance for that driveway. He said that six traffic engineers had reviewed the plan and had determined that the driveway was safe. He said that if they close the driveway, it will triple the number of cars that will use the driveway exiting from the QFC parking lot. Councilmember Markovich said he had reviewed this issue and that there were different points of view. He added that the City has standards previously adopted, and that in light of staff's recommendation, it would be difficult to avoid these standards.

3. Resolution - Jerisich Dock Extension - Funding from IAC. Wes Hill introduced this resolution that adds two sections that had been omitted from the previous Resolution No. 469 authorizing application for funding for the Jerisich Dock Extension. He explained that the IAC requested that the language in these two sections be included to confirm that the City has adopted the project site plan, owns the property, and that there are no encumbrances that would prevent use of the completed facility. He added that this additional language would allow the project to proceed to the next funding-decision step.

MOTION: Move to approve Resolution No. 476.
Markovich/Ekberg - unanimously approved.

NEW BUSINESS:

1. Bugay Utility Extension Capacity Agreement - First Addendum. Mark Hoppen explained that this addendum to the Utility Extension Capacity Agreement for Newpark Terrace would allow a more cost-effective route for sewer connection to the Long Acres pump station, while assuring the city of the availability of the pro-rata share of the development's share of the gravity sewer connection and wet well upgrade for the pump station. Carol Morris suggested language changes in the contract to provided consistency.

MOTION: Move to approve the First Addendum to the Utility Agreement with corrections noted by legal counsel.
Markovich/Picinich - unanimously approved.

2. Gig Harbor Financial Center - Sewer Extension Request. Mark Hoppen introduced this request for 19 ERUs for a 40,000 square foot office complex on Point Fosdick Drive. He added that the project is in compliance with the Public Works Standards but would need to be approved under the exception criteria with respect to land use standards. Steve Osguthorpe said that the project meets the exception criteria admirably and meets the intent of the Comp Plan and the zoning code requirements. Carol Morris suggested corrections to Section 15 of the agreement, clarifying the improvements required for construction improvements under an LID. Mr. Hoppen introduced Evelyn Hogan, the project owner, and Bezee Zenchuck, project architect, who presented the project and answered questions.

MOTION: Move to approve the Sewer Extension Request for the Gig Harbor Financial Center with corrections suggested by legal counsel and including the approval criteria as listed.
Picinich/Markovich - unanimously approved.

Mayor Wilbert called a brief, five minute recess to the Council Meeting at 8:16 p.m. The meeting returned to session at 8:21 p.m.

3. First Reading - Check Handling Fee Ordinance. Tom Enlow explained that this ordinance was being introduced due to the increase of checks being returned by banks for insufficient funds. He added that the processing and collecting these checks requires a considerable amount of staff time and this would help to reimburse the city for the costs incurred. This will return for a second reading at the next council meeting.
4. Renewal of Copier Maintenance Contract. Mark Hoppen explained that because of the high volume of copies, the copier maintenance contract on the downstairs machine had expired and the new contract reflected this higher usage.

MOTION: Move to authorize the Mayor to sign the maintenance service contract.
Ekberg/Markovich - unanimously approved.

5. Special Occasion Liquor License - St. Nicholas Fall Harvest Festival. No action taken.

6. Liquor License Assumption - Harvester Restaurant. No action taken.
7. Resolution - Westside Sub-Area Planning Program. Mayor Wilbert asked Walt Smith if the language had been prepared to be added to the Resolution regarding a time limit. Mr. Smith asked that a new Item 5 be added under Section 1 to read "This process will be completed by December 31, 1997."

MOTION: Move to adopt Resolution No. 477 with addition of Item 5 to Section 1.
Picinich/Ekberg - unanimously approved.

MAYOR'S REPORT: Adopt-a-Road. Mayor Wilbert talked about the stretch of road on Burnham Drive from the Wastewater Treatment Plant to the Mexican Restaurant. She added that she had suggested a program to City Hall staff to spend a little time after work on the second Friday of each month picking up litter along that stretch of road, in an Adopt-a-Road program. She added that her goal for the coming year was to clean up Gig Harbor Bay, and this was one way to begin.

COUNCIL COMMENTS:

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

City Council Worksession to discuss the Comprehensive Parks Plan - September 16th, 6:00 p.m. at City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16472 through #16534 in the amount of \$72,504.30.
Owel/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of checks #13004 through #13140 in the amount of \$204,007.56.
Owel/Ekberg - unanimously approved.

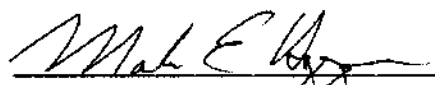
ADJOURN:

MOTION: Move to adjourn at 8:32 p.m.
Picinich/Platt - unanimously approved.

Cassette recorder utilized.
Tape 438 - Side B 113 - end.
Tape 439 - Both sides.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 23, 1996

PRESENT: Councilmembers Ekberg, Owel, Platt, Picinich, Markovich and Mayor Wilbert.

PUBLIC COMMENT / DISCUSSION:

Mayor Wilbert explained that Mayor Leonard Sanderson, from the City of Milton, had contacted her requesting to talk to the Councilmembers about Rainier Cable Commission, but was not in time to make onto the agenda. She introduced Mayor Sanderson.

Mayor Leonard Sanderson - 1000 Laurel, Milton Washington. Mayor Sanderson gave an overview of Rainier Cable Commission and how the Commission came about. He asked Councilmembers to consider joining the commission and introduced Bill Altman.

Bill Altman, PO Box 5305, Tacoma. Mr. Altman explained that he was the coordinator for Rainier Cable Commission. He summarized the function of Rainier Cable Commission and encouraged the City to get involved in helping to develop an Ordinance covering all providers of cable service.

Mayor Wilbert said she would get more information about joining, what it involved and the costs and bring it back to Council at a later date.

Bob Leslie - 7118 Ford Drive. Mr. Leslie, Counselor at Discovery Elementary, gave a presentation on the history and function of Peninsula F.I.S.H. He announced that F.I.S.H. was celebrating their 20th anniversary next Sunday at the Methodist Church.

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich thanked Council members for amending the Design Manual for the Millville area. He then asked Council to consider allowing for additional time for citizens to speak before the final decision is made on controversial issues, when amendments are made by staff and Council, even though the public hearing process has been completed. He also voiced his displeasure that a letter from someone who did not live in city limits had been read entirely into the record, and his had not.

CALL TO ORDER: 7:30 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the September 9, 1996 meeting as presented.
Picinich/Markovich - unanimously approved.

CORRESPONDENCE / PROCLAMATIONS:

1. PCFPD #5 - Life Vest Awareness Sign. Mayor Wilbert spoke briefly about this letter thanking the City for posting a life vest awareness sign at Jerisich Park Dock.

2. Safe Streets Campaign. Mayor Wilbert explained that the City receives a letter similar to this each year inviting participation in the consortium to build a strong citizen mobilization effort.
3. Gig Harbor Peninsula Historical Society - Fr. Gary Weisenberger. Mayor Wilbert said she had been attending the Historical Society meetings and would keep the Council posted on the effort to find a new location for the Historical Society.

OLD BUSINESS:

1. Second Reading - Check Handling Fee Ordinance and Resolution. Tom Enlow introduced this ordinance establishing a check-handling fee to deal with the increased amount of checks being returned by banks for insufficient funds. He added that a Resolution had been included establishing the fee at \$20. Councilmember Picinich said he had checked around and found that the rate charged by other businesses was \$25 and recommended raising the fee to that amount.

MOTION: Move to approve Ordinance No. 738 establishing a check-handling fee.
Picinich/Ekberg - unanimously approved.

MOTION: Move to approve Resolution No. 478 establishing the check-handling fee at \$25.00.
Picinich/Ekberg - unanimously approved.

NEW BUSINESS:

1. Gig Harbor North - Annexation. Mark Hoppen introduced this effort to annex approximately 795 acres north of the city limits. He introduced Ray Gilmore, Planning Director, who gave a history of the efforts of the Planning Commission to develop the zoning for the area and the time-line for completion of the annexation. Wes Hill, Public Works Director, gave an overview of the road, sewer, and water requirements for the proposed annexation area. He answered questions regarding the East/West Road and Peacock connection, and added that it would take approximately 12 months from the date of annexation until the feasibility study would be completed.

David Cunningham - Pope Resources, Poulsbo. Mr. Cunningham gave a background of the years of efforts to bring this annexation to fruition. He talked about the unique opportunity for both the city and the property owners to plan this area that will become Gig Harbor's Northern Gateway. He said he appreciated the support of staff in this time consuming effort.

Wade Perrow - 9119 North Harborview Drive. Mr. Perrow said that he had reviewed the zoning information and found inconsistencies with the mixed use overlay for Gig Harbor

North and what was listed in the Comp Plan adopted in 1994. He added that he was not requesting that this be changed at this time, but that the changes be considered in the future.

Ray Gilmore explained that if the annexation was approved, it would be sent to the Boundary Review Board and an ordinance would return for Council's approval some time in December, with a public hearing to be held at the first reading of the ordinance.

MOTION: Move to approve Resolution No. 479 accepting the annexation petition for the area commonly known as Gig Harbor North (ANX91-04) and declaring the City's intent to adopt proposed zoning regulations for the annexation area and to enter into a preannexation agreement with the property owners for the property, referring the petition for annexation to the Pierce County Boundary Review Board. Markovich/Picinich - unanimously approved.

MOTION: Move that we authorize acceptance of the Parks Right of First Refusal. Markovich/Picinich - unanimously approved.

MOTION: Move adoption of the East-West Road agreement. Markovich/Picinich - unanimously approved.

MOTION: Move to approve the Preannexation Agreement also known as Exhibit 'D'. Picinich/Markovich - unanimously approved.

MOTION: Move to approve the Agreement for Dedication of Right-of-Way to the City of Gig Harbor. Markovich/Picinich - unanimously approved.

2. Harbor Wollochet Sewer District - Contract. Mark Hoppen introduced this final agreement to contract for sewer between the Harbor Wollochet Sewer District and the City of Gig Harbor. He explained that the details had been worked out over the months, and the contract meets the requirements that were requested by Council in the previous approval. Wes Hill answered Council's questions regarding the size of the line, flow, and what effect the additional flow would have on the treatment plant capacity.

Mark Calkins, attorney for the Sewer District, gave a history of the need to treat the secondary treatment of the effluent from the Harbor Wollochet development. He explained that many options had been explored, and the only feasible solution was the construction of a line to hook to the City's sewer. He introduced one of the Commissioners of the Sewer District, Susan Manger Campbell, coordinator for the Harbor Wollochet Sewer District.

Ms. Campbell explained that the development was under administrative order by the Department of Ecology to obtain secondary treatment for their effluent. She emphasized that much research had been done before coming to the City to propose the construction of a transmission line to Gig Harbor. She added that the Sewer District had agreed to meet all the conditions of the contract and said she hoped that the City would approve the contract. She introduced Nancy Lockett from Grey & Osborne Engineers.

Ms. Lockett stated that the district had looked at every option, and the only choice was the transmission of the District's septic effluent to Gig Harbor. She described how the project would be constructed, and explained the need for the 4" line to reduce friction in the line from the pressure. She added that the district would construct, own, and maintain the line and explained that funding for the project would be accomplished through applying for grants.

Councilmember Platt asked about the build-out of the development and voiced concern with condition number 1 in the contract concerning permitting urban development, and the reference to 66 "lots" in some places and 66 "individual residential connections" in others. Carol Morris read the portion from the city code where the language regarding urban development came from. Councilmember Platt suggested including the entire paragraph to clarify the meaning of condition 1 and changing all references to "lots" to "single residential connections." Mayor Wilbert asked that the words "Pierce County" be added and the word annexation be removed from the title in Section 12.

MOTION: Move we approved the utility extension and capacity agreement between the City of Gig Harbor and Harbor Wollochet Sewer District, with the inclusion in the fifth "WHEREAS" under subparagraph 1, the full language from the city code, changing the reference from 66 "lots" to "single family residential connections," and adding the words "Pierce County" and delete "Annexation" from Title 12.
Ekberg/Owel - unanimously approved.

3. Sewer Extension Request - Westside Square. Mark Hoppen introduced this request from John and Carol Holmaas for 3 ERUs of sewer service for two existing business office buildings on two parcels within ULID #2. He introduced Mr. Holmaas who gave a brief overview of the project and plans for under grounding overhead utilities at the same time the sewer line is constructed.

MOTION: Move to approve the sewer contract as presented.
Owel/Picinich - unanimously approved.

4. Appeal of Hearing Examiner Decision - Robert Philpott Fuel Dock. Mayor Wilbert read the procedure for an Appeal of the Hearing Examiner and asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any

potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query. She then asked the representatives for the project, Robert Philpott and Alexandra Smith, to take an oath of honesty in any testimony that they may give, to which they answered affirmatively. Mayor Wilbert then reminded the applicant/appellant that the appeal was based upon the record before the Hearing Examiner and that no new testimony could be presented. She introduced Steve Osguthorpe.

Mr. Osguthorpe gave a history of the project and explained that two items of concern were being addressed, the ingress/egress of the fuel truck and use of the fuel dock for moorage and fueling. He said that the project was remanded back to the Hearing Examiner after it was appealed to the Council by Adam and Maxine Ross, and the Hearing Examiner concluded that the ingress and egress for the fuel truck would be sufficient, and that transient moorage should not be allowed on the same dock. He said that there was a request for reconsideration of these decisions submitted by Mr. Paglia and the Rosses, but upon reconsideration, the Hearing Examiner stated that his decision would remain unchanged. Mr. Osguthorpe continued to say that an appeal of the Hearing Examiner's decision was received from Alexandra Smith, representing Mr. Philpott. Steve said that staff made a final analysis based upon the Hearing Examiner's report, and determined that smaller fuel trucks for delivery could be utilized, and that the Fire Marshal continued to maintain that the proposal can meet the fire code requirements, and recommended that this item not be included as a condition of approval. Steve added that the transient moorage proposed to satisfy the public access requirement could be eliminated subject to certain criteria of the Shoreline Management Plan.

Carol Morris asked the Council to reverse the Hearing Examiner's recommendation with regards to eliminate transient moorage and cited UFC provisions as an example. She then addressed Councilmember Markovich's concerns regarding different provisions in the UFC referring to separation criteria. Steve Bowman, Building Official and Fire Marshal, continued to address these concerns and described the process they used in Staff's determination on this issue. Councilmember Platt pointed out that what was being proposed was similar to a fuel dock that used to exist in the City.

Alexandra Smith, attorney for Mr. Philpott, said she would like to focus on the appeal of the fire code interpretation by the Hearing Examiner asked Council to accept the City Attorney and Staff's recommendation that transient moorage be allowed on the fueling dock with a 20' separation. She discussed utilizing the smaller fueling trucks to allay the concerns about ingress and egress.

John Paglia objected and said that this was beyond the record. Steve Osguthorpe said that the smaller truck had been discussed at the Hearing Examiner's hearing. Ms. Smith went on to describe the size of the truck and how it would enter, turn around and exit the site. She began to address the issue of how to satisfy the public access criteria if the Hearing

Examiner's recommendation was accepted, but Mr. Paglia again objected, saying this was beyond the record. Ms. Smith said she was discussing the interpretation of the fire code and was allowed to continue. She described how a separate float could be utilized for the fueling dock connected by a gangway. Again, Mr. Paglia objected. Mr. Osguthorpe said that this also had been discussed at the Hearing Examiner's hearing. Mr. Paglia continued to disrupt the presentation and was advised by the Mayor that he would be removed from the meeting room if he continued.

Ms. Smith discussed the possibility of the transient moorage being eliminated per criteria talked about by Steve Osguthorpe earlier. Mayor Wilbert advised Ms. Smith that this information would be considered new testimony, therefore, should not be presented at this time. She then answered the Mayor's questions about the hours of operation and when transient moorage would be allowed.

Councilmember Platt began to make a motion, but was interrupted by Mr. Paglia, who insisted on speaking after repeated attempts asking for him to sit down and be silent. The Mayor called a recess at 8:46 p.m.

The meeting commenced again at 8:55 p.m.

MOTION: Move adoption of Resolution No. 480, adopting the findings and recommendations of the *Staff* of the City of Gig Harbor with respect to the fuel dock application of Mr. Robert Philpott.
Platt/Ekberg -

Carol Morris suggested that if this Resolution, utilizing Staff's recommendations rather than the Hearing Examiner's, was passed, that the Resolution be brought back at the next meeting to reflect all the Staff's changes. Councilmember Markovich restated Staff's recommendation to utilize a smaller fuel truck and to allow transient moorage for clarification. Councilmembers discussed the safety issue of allowing transient moorage when the fuel dock was unattended, and how the lot could handle a fuel truck, which led to the following amendment to the motion.

AMENDED MOTION: Move to amend the motion to include that the transient moorage be limited to the same hours of operation as the fueling facility; 7 a.m. to 7 p.m.
Ekberg/Platt - unanimously approved.

RESTATED ORIGINAL MOTION: Move adoption of Resolution No. 480, adopting the findings and recommendations of the *Staff* of the City of Gig Harbor with respect to the fuel dock application of Mr. Robert Philpott.
Platt/Ekberg - Platt and Ekberg voting in favor.

Markovich, Picinich and Owel voting against. The motion failed.

Carol Morris informed Council that if they were going to deny the application they needed to state their findings and reasons for denial, so she could draft the Resolution. Councilmember Picinich said that having unsupervised transient moorage with a possible, unattended fuel station was an unsafe condition. Councilmember Owel stated it was a public safety issue with her also, with possible transient moorage after hours. Ms. Morris said that the public safety issue for denial was not based upon code requirements, therefore, not sufficient for denial. Mayor Wilbert mentioned that according to the Shoreline Master Plan, all transient moorage could be eliminated for health and safety issues, and Mr. Osguthorpe read this portion of the Shoreline Master Plan. Ms. Morris restated that these were reasons for eliminating the amenity of transient moorage, but not to deny the shoreline development and site plan permit and read the criteria for approval or denial of a site plan. Councilmember Owel offered an alternative.

MOTION: Move to reconsider.
Owel/Platt - unanimously approved.

MOTION: Move to reconsider Resolution No. 480 affirming number one of the findings of the Hearing Examiner that ingress and egress for the fuel truck would be sufficient if space is provided on site for a fuel truck turnaround, and, further moving, however, that the transient moorage amenity not be required because of the safety issue, deleting number 10 of the Shoreline Permit Conditions of Approval.
Owel/Ekberg -

Councilmember Picinich suggested amending the motion to reference 52.02.11.04.01 of the Uniform Fire Code for elimination of the transient moorage. Councilmember Ekberg pointed out that this reference was the specific one that legal counsel had advised was not correct. Councilmember Platt said the correct reference to eliminate the need for transient moorage would be from the Shoreline Master Program provision, per advice from legal counsel.

AMENDED MOTION: Move to amend the motion to include the suggestion from legal counsel that item number 10 reference Regulation 4 of Section 3.05 of the Shoreline Master Program to exclude transient moorage for safety reasons.
Owel/Ekberg - unanimously approved.

RESTATED MOTION: Move to reconsider a Resolution No. 480 affirming number one of the findings of the Hearing Examiner that ingress and egress for the fuel truck would be sufficient if space is provided on site for a fuel truck turnaround, and, further moving, however, that the transient

moorage amenity not be required because of the safety issue, amending number 10 of the Shoreline Permit Conditions of Approval as suggested.

Owel/Ekberg - Owel, Ekberg and Platt voted in favor. Picinich and Markovich voted against. The motion was carried.

5. Resolution - Public Health & Safety. Mayor Wilbert mentioned that a Resolution had been included in the packet supporting the Greater Pierce County Community Network. She introduce Beverly Bright, staff representative for this organization, who gave an overview of their efforts to deal with the Youth Violence Act legislation passed in 1994 that recognizes the growing trend of violence in our society. She explained the function of the organization was to obtain support in development of a long-term plan to address the three areas of public health and safety issues of domestic violence, child abuse and neglect and drug abuse prevention.

MOTION: Move to approve Resolution No. 481 which recognizes the Greater Pierce County Community Network and all it does.
Markovich/Picinich - unanimously approved.

6. Liquor License Assumption - Hy lu Hee Hee Tavern. No action taken.

MAYOR'S REPORT: KGHP-FM 89.9 and 89.3 / CERT.

Mayor Wilbert gave a brief report on the activities of this local, emergency radio station and said she would be asking for \$400 in the 1997 budget to contribute toward the purchase price of the Emergency Alert System. Carol Morris informed Mayor Wilbert that there is no statute that would allow the City to give these funds to the station, and by law, the City could only give money to the poor or infirm. Mayor Wilbert said she would withdraw her request for funding. She spoke briefly about the Citizens Emergency Response Team that is being recommended by the American Red Cross, Fire District, and Tom Sutton. She added that people were being trained and would return and train volunteers in the city.

COUNCIL COMMENTS: None.

STAFF REPORT:

Chief Mitch Barker - GHPD. Chief Barker said he had included the statistics for the month of August and a brief report in the Council Packet, and due to the length of the meeting, he would not be giving a report.

ANNOUNCEMENT OF OTHER MEETINGS:

Pierce County Dept. of Community Services - October 2, 1996, 6:30 p.m. at City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16535 through #16637 in the amount of \$67,426.72.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 10:22 p.m. for the purpose of discussing collective bargaining and potential litigation for approximately 30 minutes.
Picinich/Markovich - unanimously approved.

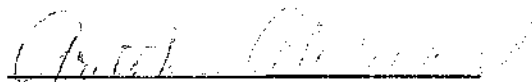
MOTION: Move to return to regular session at 10:50 p.m.
Markovich/Picinich - unanimously approved.

MOTION: Move that we approve a signature of release to Rush Construction as amended to include reference to applicable code provisions and correspondence.
Markovich/Picinich - unanimously approved.

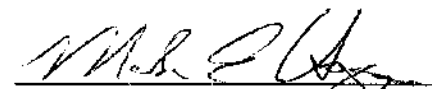
ADJOURN:

MOTION: Move to adjourn at 11:06 p.m.
Picinich/Platt - unanimously approved.

Cassette recorder utilized.
Tape 440 - Both sides.
Tape 441 - Both sides.
Tape 442 - Side A - 000 - 240.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 14, 1996

PRESENT: Councilmembers Ekberg, Owel, Picinich, and Mayor Wilbert. Councilmembers Markovich and Platt were absent.

PUBLIC COMMENT / DISCUSSION:

John Paglia - 12924 Purdy Dr. NW. Mr. Paglia said that the Mayor and Councilmembers had not upheld their oath of office by not listening to the audio recording of the Hearing Examiner's meeting regarding the Philpott Fuel Dock, and instead, relied only on the staff's word. He added that staff had withheld a portion of the Fire Code that was pertinent to this case, and called the Mayor and Councilmember "mushrooms" who had been fed manure. The Mayor informed him that this was an agenda item and could no longer be discussed during this portion of the meeting.

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich said he was concerned at the last council meeting that a motion had been made to deny the fuel dock due to public health and safety issues, and that Council been told by Legal Counsel that the permit could not be denied on that basis, and therefore, the permit was approved. Again, Mayor Wilbert announced that this was an agenda item, and could not be addressed during the public comment portion of the meeting.

Jeffrey Robinson, 4700 Pt. Fosdick. Mr. Robinson introduced himself as the attorney for the Rosses, and asked that Councilmembers consider the letter he had forwarded to them which was intended to bring the issues to the forefront.

CALL TO ORDER: 7:30 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the September 23, 1996 meeting as presented.
Picinich/Ekberg - unanimously approved.

CORRESPONDENCE / PROCLAMATIONS:

1. Proclamation - Peninsula F.I.S.H. Mayor Wilbert introduced Jan Coen, who started F.I.S.H. twenty years ago.

Mayor Wilbert then introduced Rachael Gallagher, *Miss Washington American Princess*. Rachael gave a brief presentation on making your days count, having fun and utilizing the power of your mind. She thanked Mayor Wilbert for inviting her to speak.

MOTION: Move to authorize the Mayor to sign a proclamation honoring the 20th anniversary of F.I.S.H.
Picinich/Owel - unanimously approved.

2. Proclamation - P.C. Commission Against Domestic Violence. Mayor Wilbert introduced this proclamation announcing October as Domestic Violence Awareness Month.

MOTION: Move that we accept the proclamation announcing October as Domestic Violence Awareness Month.

Picinich/Owel - unanimously approved.

OLD BUSINESS:

1. Resolution- Approving SDP 95-06/SPR 95-10 Robert Philpott Fuel Dock. Steve Osguthorpe explained that at the last meeting, Council approved the site plan and shoreline permits for this project, but that the resolution did not include findings reflecting the Council's action and required modifications. He added that these modifications had been made to the resolution and it was being presented again for final action. Mayor Wilbert stated that this was not a public hearing.

Councilmember Picinich stated his concerns about the health and safety issues that had been discussed at the last meeting, and had again been brought up by the letter he had just received. He said he did not think that some of the necessary codes and statutes that related to safety issues had been addressed.

Carol Morris, legal counsel, said two letters had been received by Councilmembers, one from Mr. Robinson and one from Mr. Sloan. She stated that both of these letters were too late to be entered into the hearing and that the decision was closed. She added that the information that had been submitted could be addressed, but that regarding the issues brought up in Mr. Robinson's letter, except the site plan discrepancy, these issues had previously been addressed by the Hearing Examiner. She explained that in order to deny the permit application, based upon public health and safety, the Councilmembers would have to go through all the criteria for each of the permits and that findings would have to be made on the record to demonstrate that the permit cannot be approved because it is inconsistent with the code. She said that Mr. Sloan was wrong in saying that there was any inverse possession issue present.

Ms. Morris said that Council could rescind its decision of the last meeting to approve the development and to vote again on whether to approve the development, but that findings and conclusions, based on each criteria of the code, would have to be made. She added that the second option would be to pass the resolution tonight, and the third option would be to rescind the vote, and then remand the project back to the Hearing Examiner for a public hearing to deal with the possible future code compliance issues brought about by the 50' limitation for open flames. She added that Mr. Philpott would have to show the Hearing Examiner how he could meet that code requirement to ensure the public health and safety.

She explained that the issues in Mr. Robinson's letter had already been addressed by the Hearing Examiner and the project could not be sent back to the Hearing Examiner for

reconsideration on those same issues. She said that the only issue that might be addressed was a new one brought about in Mr. Sloan's letter regarding the 50' proximity. She explained that Council may not be able to condition the application so that the project can conform to the fire code in this matter.

Councilmember Picinich referred to the last meeting where a motion was made to deny the permits on health and safety issues, but had been amended. Ms. Morris reminded him that these issues had been addressed by the Hearing Examiner, and as a result of these concerns regarding unsupervised activity on the dock, the transient moorage had been eliminated as a condition of the approval. She added that Council would not be able to deny the permit or to issue an independent decision stating that the project does not meet the health and safety requirements because these issues had been addressed previously. She said that Council would have to look at the Hearing Examiner's decision and determine that if it was not correct, and that there was not sufficient evidence in the record to support the decisions, then Council would have to state their basis for the denial.

Councilmember Ekberg asked about the site plan discrepancy brought up in the letter from Mr. Robinson. Ray Gilmore explained that the Dept. of Natural Resources would not act upon this dispute of ownership until the City approved the necessary permits. Carol Morris suggested adding a condition to the permit that it would only be effective as long as DNR also approves the permits for the project. She added that if this project were to be remanded back to the Hearing Examiner, this issue would not be addressed unless the applicant raised the ownership issue so it would not have to be dealt with at a later date. Councilmember Ekberg reinforced that if the permit were conditioned, then it would not be necessary to address the possible site plan discrepancy.

MOTION: Move to rescind the vote to approve the permits due to section 52.02.11.5.5 of the Uniform Fire Code in regards to prohibiting smoking or open flames within 50 feet of the proposed marine fueling operation.
Picinich/Owel - unanimously approved.

MOTION: Move to remand that particular decision concerning the health and safety and section 52.02.11.5.5 of the Uniform Fire Code, back to the Hearing Examiner for review.
Owel/Picinich - unanimously approved.

NEW BUSINESS:

1. Anchorage Park Consultant Services Agreement. Mark Hoppen explained that in order to have an Anchorage Park in the Harbor, a survey is required. He added that Thornton Land Surveying had been chosen from the small works roster, but legal counsel and the insurance broker was concerned that this firm did not have errors and omission coverage. He added that no property interests were involved and there were no concerns of consequence related to property or construction. He explained that Thornton Land Surveying has extensive

experience in the harbor, and no law suits in 50 years of business. He added that a survey of Pierce County land surveying firms had been conducted and found that the smaller firms did not carry this coverage due to the prohibitive costs involved. He said that the coverage could be obtained in addition to the cost of the contract. Councilmember Ekberg said he did not agree with paying for the coverage or that the surveyors did not carry the coverage. Mr. Hoppen again reinforced the fact that there would be little or no consequence to this survey, that it was just a formality and that there was a time element involved due to the tides.

MOTION: Move to authorize the Mayor to execute the Consultant Services Contract with Thornton Land Surveying, Inc. in an amount not to exceed \$11,825.
Picinich/Owel - two voting in favor. Councilmember Ekberg voting against.

2. Jerisich Dock Expansion Project. Mark Hoppen introduced this consultant services contract, also with Thornton Land Surveying, explaining that because they would already be doing the survey for the Anchorage Park, there would be a savings. He said that with this contract, there would be property involved, making the decision to require errors and omission coverage more viable.

MOTION: Move to approve execution of the Consultant Service Contract with Thornton Land Surveying, Inc. in an amount not to exceed \$1,425.
Picinich/Owel - two voting in favor. Councilmember Ekberg voting against.

3. Appeal of Hearing Examiner's Decision - CUP 96-06, Doris Grotz. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query. Steve Osguthorpe introduced this appeal of a condition placed upon a conditional use permit requiring separate metering of utilities for an accessory apartment. He introduced Mr. Barton, the applicant's husband.

Eugene Barton - 9309 Peacock Hill Avenue. Mr. Barton explained that in requesting the conditional use permit to build an accessory apartment, they wanted to provide living quarters for an elderly relative. He added that the additional cost of separating the utilities would make the project prohibitive.

Mr. Osguthorpe explained that the condition to require separate utilities had been added by Ben Yazici, past Public Works Director, in an attempt to determine how many dwellings were located in city limits. Councilmembers suggested that this be reviewed and the ordinance modified to deal with these accessory apartments on an individual basis.

MOTION: Move to approve Resolution No. 482 for approval of Conditional Use Permit to build an assessorly apartment at 9309 Peacock Hill Avenue.
Picinich/Owel - unanimously approved.

4. GMA Grant Contract - Dept. of Community Trade and Economic Development. Mr. Gilmore presented this grant contract for \$5,400 from the State Department of Community Trade and Economic Development to assist the city in a Comprehensive Plan update.

MOTION: Move we approve the grant contract with changes as suggested by Legal Counsel.
Owel/Ekberg - unanimously approved.

5. Appointment to the Planning Commission. Mayor Wilbert announced that she had received a letter from Dick Allen stating a willingness to serve on the Planning Commission. She recommended approval of this appointment.

MOTION: Move to appoint Richard B. "Dick" Allen to the Planning Commission.
Picinich/Owel - unanimously approved.

6. Special Occasion Liquor License - North American Gymnastic Boosters. No action taken.
7. Special Occasion Liquor License - North Tacoma Eagles. No action taken.
8. Special Occasion Liquor License - Knights of Columbus. No action taken.
9. Liquor License Renewals - Bayview Grocery; Gig Pub & Grill; and Olympic Village BP. No action taken.

MAYOR'S REPORT:

Incoming, On-going Art. Mayor Wilbert pointed out several pieces of art that had been donated to the city by visiting dignitaries, local artists, and other works that are on loan to the City.

COUNCIL COMMENTS:

Councilmember Ekberg asked about revisiting the sign code. He mentioned that it had been in place for approximately one year, and that it was time to address concerns that had come forward. Councilmember Picinich agreed. Carol Morris mentioned that the issue of persons painting vans with advertising and parking them on private property had risen in Redmond, Edmonds, and Tukwila. She suggested that when staff reviewed the sign code, they might want to consider this in addition.

STAFF REPORT:

Chief Mitch Barker - GHPD. Chief Barker said he had included the statistics for the month of September. He announced that Officer Kevin Entze had been reassigned to a detective position and that he had started a program of contacting people with outstanding warrants.

ANNOUNCEMENT OF OTHER MEETINGS: None.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16638 through #16741 in the amount of \$69,631.14.
Owel/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

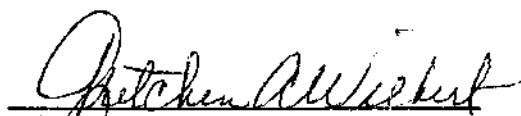
MOTION: Move approval of payroll checks #13141 through #13275 in the amount of \$201,674.52.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION: Canceled.


ADJOURN:

MOTION: Move to adjourn at 8:31 p.m.
Picinich/Ekberg- unanimously approved.

Cassette recorder utilized.
Tape 442 - Side A - 242 - end.
Tape 443 Both sides.
Tape 444 - Side A - 000 - 122.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 28, 1996

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

PUBLIC COMMENT / DISCUSSION:

Mayor Wilbert welcomed the members of Boy Scout Troop #282.

Jim Boge - 6606 Soundview Drive. - Mr. Boge thanked the Council for passing the sign ordinance, and encouraged them to not submit to pressure to modify the ordinance to make it more lenient. He complained about the balloons at the Great Car Wash and asked if something could be done to prevent that. He added that he would like to be sure that the water usage for the car wash was being reviewed annually as had been agreed upon by Ben Yazici.

PUBLIC HEARING:

1997 General Fund Revenue Sources. Mayor Wilbert opened the public hearing at 7:09 p.m. Tom Enlow explained that state laws required a public hearing primarily for possible increases in property taxes. He gave a brief breakdown of how property taxes are shared by the City, Fire District and Library and added that no increases in property, sales, or any other tax rates were proposed by the City for 1997.

There were no further comments. Mayor Wilbert closed the public hearing at 7:10 p.m.

CALL TO ORDER: 7:10 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the October 14, 1996 meeting with corrections. Ekberg/Owel - unanimously approved.

CORRESPONDENCE / PROCLAMATIONS:

1. Association of Washington Cities - Washington State Council on Aging. Mayor Wilbert explained that there was a vacancy on the State Council on Aging and AWC was soliciting city officials to serve. Mayor Wilbert encouraged any Councilmember who was interested to apply.

OLD BUSINESS: None scheduled.

NEW BUSINESS:

1. Appointment of Design Review Board Members. Mayor Wilbert explained that she had received three responses to the Design Review Board notice, and that several others had been recruited to respond to the search. She submitted five names for approval, Paul Kadzik, Lita Dawn Ancich Stanton, Chuck Hunter, Jean Ratcliff Gagliano and Tyler MacDonald. She

added that these five would serve until July 1997, and then the positions would be staggered into two year terms. She introduced Tyler MacDonald and Jean Gagliano and thanked them for volunteering. Mr. MacDonald and Ms. Gagliano gave a brief history of their backgrounds.

MOTION: Move to accept the Mayor's recommendation to appoint the following five members for the Design Review Board - Paul Kadzik, Lita Dawn Ancich Stanton, Chuck Hunter, Jean Ratcliff Gagliano, and Tyler MacDonald.
Picinich/Owel - unanimously approved.

2. Interlocal Agreement - Amendments to Pierce County County-Wide Planning Policies. Ray Gilmore introduced this proposed amendment to the County-Wide Planning Policies as recommended by the Pierce County Regional Council. He gave a brief overview of the proposed amendments and added that the amendments are required by the Puget Sound Regional Council in order to obtain full certification of the policies.

MOTION: Move to approve the agreement.
Owel/Ekberg - unanimously approved.

3. Telecommunications Moratorium. Carol Morris introduced this ordinance designed to allow the City time to review its code to determine whether its existing regulations are consistent with the Telecommunications Act of 1996. This moratorium would barr the acceptance of new applications relating to franchise, use of public streets, building and/or conditional use permits for telecommunications services until the code revisions are complete. Ms. Morris recommended utilizing the special ordinance passing procedure to prevent having to review a potential application under the old code.

Steve Barry - 400 52nd Ave. Mr. Barry explained that he has a strong background in telecommunications. He stated that a one-year moratorium was too long, because the field is moving so quickly and there would be a great deal of pressure due to competition in the industry. Carol Morris explained that it would not necessarily take a full year to update the code and Mayor Wilbert invited Mr. Barry to review the draft ordinance.

MOTION: Move to approve Ordinance No. 739 adopting an immediate moratorium on the acceptance of applications for use permits, building permits, right-of-way use permits and franchises for telecommunications facilities, to be effective for a period of one year, setting the date for a public hearing on December 9, 1996, and utilizing Section 7 of the GHMC for emergency passage of an ordinance in one reading.
Picinich/Owel - unanimously approved.

4. First Reading - 1997 Tax Levy Ordinance. Tom Enlow introduced the ordinance and explained that the county assessor recommends requesting well over the amount expected

to be received, therefore, this ordinance is based on a 1997 property tax rate of \$1.906 per thousand. He added that the 1997 Budget would be based on the most accurate information available at the time it is passed. This ordinance will return for a second reading.

5. Resolution - Setting Fees for Copying of Public Records. Molly Towslee explained that when Resolution 449 was passed, adopting a fee schedule for copying public records, oversized blueprints and audio tapes were not included. She added that this new resolution would include these items and that it would be amended to add suggested language by Carol Morris explaining that it supersedes Resolution 449.

MOTION: Move to approve Resolution #483 and Interim Public Records Index and Fees Schedule with suggested changes by Legal Counsel.
Picinich/Platt - unanimously approved.

6. Hidden Valley Landfill Permit Extension Request. Mayor Wilbert introduced this request from Marty Erhdahl, Pierce County Solid Waste Manager, to sign a letter of support to extend the permitted life of the Hidden Valley Landfill. She added that this extension would allow more time to find another solution to Pierce County's solid waste disposal.

MOTION: Move to authorize the Mayor to send a letter to the Department of Ecology supporting the request of Land Recovery Inc. to extend the permitted life of the Hidden Valley Landfill beyond the authorized closure date of October 31, 1996.
Owel/Platt - unanimously approved.

7. Liquor License Change of Class - Gig Pub & Grill. No action taken.

MAYOR'S REPORT:

World of the Fisherman. Mayor Wilbert described the experience she had when invited to go along on Mike Vlahovich's charter boat, the restored skansie built purse seiner *Commencement*. She added that the opportunity may come again, and that she would alert Councilmembers to see if they would like to join her the next time.

COUNCIL COMMENTS: None.

STAFF REPORT:

Planning/Building Department. Ray Gilmore explained that the public hearing that was to be held on the adult entertainment moratorium had been postponed from the October 3rd date until November 7th.

ANNOUNCEMENT OF OTHER MEETINGS: None.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16742 through #16809 in the amount of \$62476.06.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 8:56 p.m. for the purpose of discussing pending and potential litigation, for approximately 10 minutes.
Ekberg/Owel - unanimously approved.

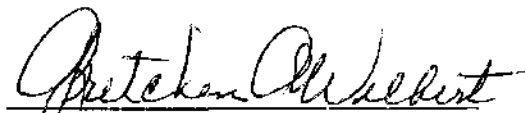
MOTION: Move to return to regular session at 9:05 p.m.
Picinich/Platt - unanimously approved.

MOTION: Move to authorize the City Attorney to sign a stipulation and order of dismissal in the lawsuit *Hester vs. Gig Harbor* in exchange for the plaintiff's payment of the city's cost.
Picinich/Platt - unanimously approved. Councilmember Owel abstained.

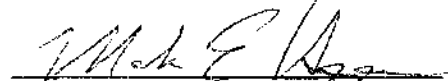
ADJOURN:

MOTION: Move to adjourn at 9:06 p.m.
Ekberg/Platt - unanimously approved.

Cassette recorder utilized.
Tape 444 Side A 125 - end.
Tape 445 Side B 000 - end.
Side A was taped over for approximately 46 seconds with the end of this meeting.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 12, 1996

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

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARING:

Proposed 1997 Budget. Mayor Wilbert opened the public hearing and introduced Tom Enlow, Finance Director. Mr. Enlow gave a brief overview of the 1997 budget. He announced the two work sessions to be held on the proposed budget, November 18th and November 19th, and explained that there would probably be several changes made to the proposed budget after these meeting.

There were no comments by Council or the audience and the Mayor closed the public hearing on this agenda item at 7:09 p.m.

CALL TO ORDER: 7:09 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the October 28th meeting, as presented.
Ekberg/Owel - unanimously approved. Councilmember Markovich abstained.

CORRESPONDENCE / PROCLAMATIONS:

1. **Invitation - 2nd Annual P.C. Fire Chiefs & Commissioners Combined Dinner Meeting.**
Mayor Wilbert said this letter was just for information.
2. **Cultural Arts Commission.** Mayor Wilbert said this letter was also for information only.

OLD BUSINESS:

1. **Second Reading - 1997 Tax Levy Ordinance.** Tom Enlow introduced the second reading of this ordinance and recommended approval.

MOTION: Move to approve Ordinance 740 adopting the 1997 Tax Levy Ordinance.
Picinich/Ekberg - unanimously approved.

NEW BUSINESS:

Mayor Wilbert asked that item number four of the agenda, Risk Management Review, be delayed to the end of New Business so the Insurance Broker, Steve Feltus, could be at the meeting. It was agreed.

1. **Indigent Defense Service Contract - Pierce County.** Mark Hoppen, City Administrator, explained that this contract was identical to the 1995 agreement and added that he was meeting soon to work on the 1997 agreement.

MOTION: Move to approve the contract as presented with recommendations of Legal Counsel, if any.
Markovich/Picinich - unanimously approved.

2. Lease Proposal - Jean Louis Gazabat, Shorewood Realty. Mark Hoppen asked for Council's direction on whether or not to pursue leasing the lower floor of the Shorewood Realty building next to City Hall to provide room for the Planning Department. He explained that the 960 square feet had been offered at \$1,000 per month and would provide an efficient, functional solution to the crowded working conditions in the Planning / Public Works Department without extensive remodeling costs or a continued decrease in the level of service to the community. He answered questions about the building at the Wastewater Treatment Plant and the Bogue Building, neither of which would offer a suitable solution. Council offered the following motion.

MOTION: Move that we direct Mark Hoppen to bring back a one year lease with a one year option, for the lower floor of the Shorewood for Council consideration.
Picinich/Ekberg - unanimously approved.

3. Amendment to Department of Ecology Loan Agreement. Tom Enlow explained that the Department of Ecology was asking that the City begin repaying the State Revolving Fund loan for the Wastewater Treatment Plant expansion project. He added that the original agreement estimated the completion date for the project to be July 1, 1995, with loan payments beginning July 1, 1996. Because the project has yet to be completed, they agreed to amend the agreement to reflect a completion date of November 30, 1995, with loan payments to begin November 30, 1996 so payment could begin. He said that Legal Counsel had recommended an amendment that was much clearer, and asked that Council approve that amendment.

MOTION: Move to authorize the Mayor to sign the amendment recommended by Legal Counsel.
Markovich/Picinich - unanimously approved.

4. First Reading - Ordinance Adopting the 1997 Budget. Tom Enlow asked if Council had any questions on the information he had presented during the public hearing. There were no questions, and Tom announced that this ordinance would return for a second reading at the next council meeting.
5. Review of Financial Plan Revisions for Parks, Recreation and Open Space Plan. Wes Hill, Public Works Director, explained that one of the 1996 objectives is to complete a Parks, Recreation and Open Space Plan. He added that the Planning Commission, along with Tom Beckwith of Beckwith Consulting, drafted a plan to be reviewed by Council. He introduced Tom Beckwith who summarized the chapter on financing in the Parks, Recreation and Open Space Plan. He explained that there were four alternatives utilizing three sources, General

Funds, which include grant applications and matching shares, Impact Fees, and Bonds. He added that these could be mixed and matched to fulfill the financing needs. He answered Council's questions about procedures for collecting impact fees, SEPA mitigation and bonds.

MOTION: Move to approve the six-year Capital Improvement Program (1997-2002) as shown for incorporation in the Final Parks, Recreation and Open Space Plan. Picinich/Ekberg - unanimously approved.

6. First Reading - Ordinance Adopting Parks, Recreation and Open Space Plan. Wes Hill explained that Tom Beckwith had presented most of the information on this during the previous agenda item and offered to answer any questions. He added that the ordinance would return for a second reading at the next council meeting.
7. Resolution adopting the Six-Year Transportation Improvement Program. Wes Hill explained that a public hearing would be held at the next council meeting before the resolution could be adopted.
8. Ordinance - Increasing Civil Service Eligibility List to Five. Molly Towslee, Administrative Assistant, introduced the first reading of this ordinance to amend the municipal code to be in compliance with the Civil Service Rules and Regulations that had recently been revised. She added this would return at the next council meeting for a second reading.
9. Liquor License Request - Gig Harbor Texaco. Mayor Wilbert asked Council for a recommendation on this request for beer and wine to be sold at the Texaco Station on Pioneer which was located within 500 feet of the Henderson Bay Alternative High School. Councilmember Markovich said that if it is illegal to sell alcohol within 500 feet of a school, then it should be left up to the state to make that determination, or if the state was looking for approval or disapproval, then it should be left to the school district to make that recommendation. Mayor Wilbert introduced Charlie Stone.

Charlie Stone - 1324 22nd St. NW. Mr. Stone explained that he has been a co-owner of the Gig Harbor Texaco for over 20 years and added that he had been before the Council several times over these years attempting to obtain a liquor license. He explained they had had a good working relationship with the liquor board for over 20 years and prior to owning several convenience stores, they owned a small family tavern in Tacoma, which between the two businesses, has given them a good deal of experience with problems that can accompany liquor sales. He explained that obtaining the sales permit would allow them to compete equally with other convenience stores in the area. He said that he understood the 500 foot rule to be if there were *objections* to the establishment selling liquor, not that it was an automatic disqualifier to be within the 500 foot proximity of a school.

MOTION: Move that we make no recommendation on this application, but that we

notify the liquor board that the location is within 500 feet of the Henderson Bay Alternative High School.
Picinich/Markovich - unanimously approved.

10. Risk Management Review. Mark Hoppen presented proposals from Association of Washington Cities Insurance Pool and Reliance Insurance for coverage for the City of Gig Harbor in 1997. He introduced Steve Feltus, the city's insurance broker from Bratrud Middleton, who gave a lengthy comparison of coverages and answered questions.

MOTION: Move we remain with the current insurance coverage for 1997.
Ekberg/Owel - unanimously approved.

MAYOR'S REPORT:

Updates. Mayor Wilbert gave updated information on the following topics:

Finholm Viewclimb Project The fundraising efforts for the Finholm Viewclimb Project continue. She encouraged Councilmembers to purchase a personalized brick paver.

Watercolor by Mary Smith A suggestion was made that Council could set aside funds in the 1997 budget to purchase the watercolor by Mary Smith currently hanging in the stairwell at City Hall.

The Old Library Building It is of no great architectural value, and parts of the building could be salvaged and a memorial plaque could be placed on-site.

KGHP Support Letter A request by Hugh McMillan for support letters to assist in soliciting contributions from the community for funding the radio station.

MOTION: Move we include the Councilmember's names added to the letter of support with corrections as discussed.
Picinich/Owel - unanimously approved.

COUNCIL COMMENTS: None.

STAFF REPORT:

Chief Mitch Barker - GHPD. Chief Barker said that October had been a busy and interesting month. He added that the decision to move Officer Kevin Entze from a D.A.R.E. officer to a Detective's position has already proven productive. Chief Barker gave a brief overview of the success recent Detective activities.

ANNOUNCEMENT OF OTHER MEETINGS:

1. First Budget Work Session - November 18th, 6:30, City Hall.
2. Second Budget Work Session - November 19th, 6:30, City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16810 through #16880 in the amount of \$65,117.07
Owel/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of payroll checks #13276 through #13400 in the amount of \$195,749.50.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 8:48 p.m. for the purpose of discussing property acquisition, for approximately five minutes.
Markovich/Picinich - unanimously approved.

MOTION: Move to return to regular session at 9:01 p.m.
Markovich/Ekberg - unanimously approved.

MOTION: Move we authorize Mark Hoppen to obtain a Phase I Environmental Assessment for the Harbor Heights/Henderson Bay High School in furtherance of potential purchase.
Markovich/Ekberg - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:02 p.m.
Markovich/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 445 Side A 000 - end.
Tape 445 Side B 000 - end.
Tape 446 Side A 000 - end.
Tape 446 Side B 000 - 260.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 25, 1996

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

PUBLIC COMMENT / DISCUSSION:

Harry Dearth - 4119 107th St. NW - Mr. Dearth introduced himself as the vice-president of the Gig Harbor Historical Society. He presented Councilmembers with a plaque to be hung along side the oil painting, "Harbor Calm," that had been given to the City of Gig Harbor to commemorate the 50th Anniversary of the Incorporation of the City.

PUBLIC HEARING:

1. Six-Year Transportation Plan. Mayor Wilbert opened the Public Hearing at 7:10 p.m. Wes Hill distributed a fact sheet and gave a summary of proposed projects scheduled.

Phil Arenson - business at 6750 Kimball Drive - Mr. Arenson explained his concerns for Kimball Street regarding safety, health and commercial issues due to the insufficient signalization and inferior infrastructure of the road. He added that he had understood that these improvements were slated to be done in 1997, but that he had just found out that no funds had been budgeted and that the City was waiting for grants to do the work.

Mayor Wilbert asked if anyone else in the audience had any comments on the Six-Year Transportation Plan. No one came forward, and Mayor Wilbert closed the public hearing at 7:20 p.m. She then opened the second public hearing on the proposed 1997 Budget at 7:21 p.m. and introduced Tom Enlow, Finance Director.

Mr. Enlow gave an overview of the budget figures and added that the budget could be approved at its second reading later in the evening. There were no further comments and Mayor Wilbert closed the public hearing at 7:23 p.m.

CALL TO ORDER: 7:23 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the November 12th meeting, as presented.
Picinich/Ekberg - unanimously approved. Councilmember Platt abstained.

CORRESPONDENCE / PROCLAMATIONS: None.

OLD BUSINESS:

1. Second Reading of Ordinance Increasing Civil Service Eligibility List to Five. Molly Towslee explained that this was the second reading of an ordinance amending the Gig Harbor Municipal Code to be consistent with the newly adopted Civil Service Rules increasing the eligibility list from three to five.

MOTION: Move to adopt Ordinance No. 741.
Markovich/Ekberg - unanimously approved.

NEW BUSINESS:

1. Employee and Supervisor Guild Contracts. Mark Hoppen explained that there were two employee contracts before Council for approval, the Employee Guild Contract and the Supervisory Guild Contract. He explained the differences in the two contracts and added that the term for both contracts is three years.

MOTION: Move for adoption of both contracts as presented.
Picinich/Ekberg - unanimously approved.

2. Second Reading of Ordinance Adopting the 1997 Budget. Tom Enlow explained that the report had been given during the public hearing and offered to answer any questions. Mayor Wilbert spoke about a memo from Councilmember Owel stating her support of art purchases, specifically the painting, "Gig Harbor Trio" hanging at City Hall if there were a process to do so. She said that she would entertain a motion to amend the budget to purchase this painting. Councilmember Markovich stated that Council had been entrusted with public money, that it is hard enough to function within budget constraints and that he could not justify spending \$3,400 on a painting. Councilmember Platt agreed and added that street lights and other projects are much more important and a much better stewardship of public funds. Councilmember Ekberg said he also agreed that this might not be a good use of funds, and added that he encouraged other groups to purchase the painting to hang in City Hall or other artists to hang artwork for display.

Councilmember Platt then asked Staff to address the issue of Kimball Drive. Wes Hill explained that the City shared Mr. Arenson's concerns and that the Kimball Drive project had not been forgotten. He said that the Kimball Drive Park & Ride Expansion and Improvement project was moving forward and that this project included signalization and overlay of Pioneer between Grandview and Stinson. He added that what was not included was the widening and reconstruction of Kimball from Pioneer to Hunt. He said that the application process for grant funding for these improvements would begin in December. Mark Hoppen assured Councilmembers that if Pierce Transit could not reach an agreement with Tacoma Public Utilities and proceed with the Park & Ride project, then a proposal would be brought back to Council to move funds from other street projects to construct improvements on Kimball.

MOTION: Move adoption of Ordinance #742.
Markovich/Picinich - unanimously approved.

3. First Reading of Ordinance Amending Title 17 of the GHMC, Adult Businesses. Ray Gilmore introduced this ordinance that is the result of the efforts of the Planning

Commission to address siting standards for adult businesses within city limits. Carol Morris explained that Howard Jensen, attorney from Ogden Murphy and Wallace, had been working with several jurisdictions as well as Gig Harbor on this issue. She added that before council adopted this ordinance, there was documentation that needed review by each Councilmember. She then introduced Mr. Jensen who gave a brief explanation of the issues that had to be addressed. This ordinance will return at the next council meeting for a second reading.

4. Resolution adopting Six-Year Transportation Plan. Wes Hill introduced this resolution to adopt the Six-Year Transportation Plan and offered to answer questions.

MOTION: Move to adopt resolution No. 484.
Markovich/Picinich - unanimously approved.

5. First Reading of Ordinance - 1996 Budget Amendment. Tom Enlow introduced this budget amendment ordinance brought about by unexpected legal fees, Hearing Examiner, and other professional service fees in the Planning/Building Department. This ordinance will return for a second reading at the next council meeting.

6. Hearing Examiner Contract for 1997. Mark Hoppen presented this contract for Hearing Examiner service for 1997. He introduced Ron McConnell who offered to answer any questions.

MOTION: Move we approve the 1997 Hearing Examiner Contract as presented with a 3% increase over 1996.
Markovich/Picinich - unanimously approved.

7. Legal Services Agreement for 1997. Mark Hoppen introduced this legal services agreement for 1997. He added that Carol Morris had offered to draft a fee resolution to help recoup legal fees accrued through the permitting review process. Council instructed her to bring back a resolution for consideration.

MOTION: Move to approved the proposed legal services agreement with Ogden Murphy Wallace for 1997.
Picinich/Ekberg - unanimously approved.

8. Renewal of Copier Contract - Upstairs Machine. Molly Towslee explained that the maintenance contract for the Minolta located upstairs had expired.

MOTION: Move to authorize the Mayor to sign the renewal maintenance contract in the amount of \$1,484.00.

MAYOR'S REPORT: None scheduled.

COUNCIL COMMENTS:

Councilmember Picinich thanked Wes Hill and Tom Enlow for their assistance in the budget worksession meetings. He added that their input made the budget approval go much more smoothly.

STAFF REPORT:

Wes Hill gave a report on the 25 foot Douglas Fir tree that had been donated by Walter Ehnert for the holiday tree lighting celebration to be held in Jerisich Park. He also reported that a local Boy Scout, Brad Neville, had originally offered to plant a Douglas Fir tree at that site to replace the noble fir that had died, but it was determined that due to the size, this tree would be better planted at City Park at Crescent Creek. He added that an electrical outlet would be placed nearby so that this living tree could be lighted during the holiday season also.

ANNOUNCEMENT OF OTHER EVENTS:

1. Christmas Tree Light Festival - Jerisich Park, Friday, December 6th at 5:30 p.m.
2. Gig Harbor Historical Society - Harbor Walk, Saturday, December 14th, 4 - 9 p.m.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16881 through #16932 in the amount of \$72,873.78.
Picinich/Ekberg - unanimously approved.

EXECUTIVE SESSION: None scheduled.

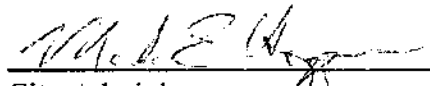
ADJOURN:

MOTION: Move to adjourn at 8:22 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 446 Side B 165 - end.
Tape 447 Side A 000 - end.
Tape 447 Side B 000 - 379.



Mayor



City Administrator

REGULAR GIG HARBOR CITY COUNCIL MEETING OF DECEMBER 9, 1996

PRESENT: Councilmembers Platt, Picinich, Markovich, Owel and Mayor Wilbert.
Councilmember Ekberg arrived at 7:35.

PUBLIC COMMENT/DISCUSSION:

Georgia Allen - 6230 SE Alpine Way, Olalla WA - Ms. Allen presented a petition of 550+ signatures to rename the corner of Harborview and North Harborview to Borgen's Corner in honor of the late George Borgen. The Mayor took the petitions and said she would consult the various city departments involved to see if we could rename the corner.

SPECIAL PRESENTATION:

Asphalt Paving Association of Washington - Best Paving Award - The representative from Ace Paving who was to present the award was not present at this time and it was decided to postpone this item until he arrived.

PUBLIC HEARING:

1. One-year Moratorium on Telecommunications Facilities. Mayor Wilbert opened the Public Hearing at 7:15 p.m. Ray Gilmore gave a brief overview of the Planning Commission's work program for Telecommunications Facilities standards. City Attorney Carol Morris then gave a short presentation outlining various items the Council needed to consider. Public Works Director Wes Hill spoke to the issue of protecting our investments (streets, water towers, etc.) when considering the siting of Telecommunications Facilities. Mayor Wilbert asked if anyone else in the audience had any comments on the one year moratorium, there being none, Mayor Wilbert closed the public hearing at 7:25 p.m.

MOTION: Move approval of a one year moratorium on Telecommunications Facilities pending further study by the Planning Commission and that we adopt finding and conclusions along the lines of those suggested by counsel and staff to be submitted at the next regular Council meeting.
Markovich/Picinich - unanimously approved.

CALL TO ORDER: 7:28 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the November 25th meeting, as presented.
Picinich/Platt - unanimously approved. Councilmember Owel abstained.

SPECIAL PRESENTATION:

Bruce Christopherson - Ace Paving - Wes Hill introduced Mr. Christopherson and commended Ace Paving for their part in this award winning project. Mr. Christopherson explained that this project was judged best in the state by the American Public Works Association and the award was presented to Ace Paving jointly with the City. He also complimented the city staff and the especially the citizens for their patience and cheerful attitude during the construction.

CORRESPONDENCE/PROCLAMATIONS: - Mayor Wilbert brought to the Council's attention several pieces of correspondence she had included in the packet for them to read.

OLD BUSINESS:

1. Second Reading of Ordinance - Adult Businesses - Ray Gilmore explained that this was the second reading of this Ordinance that the Planning Commission is recommending to the Council. He further explained that the Planning Commission did not choose to hold a second public hearing, which is strictly an option under our administrative procedures.

MOTION: Move to adopt Ordinance No. 743
Markovich/Picinich - unanimously approved.

2. Third Reading of Ordinance - Comprehensive Parks Plan - Wes Hill gave a short presentation of the Parks, Recreation and Open Space Plan.

MOTION: Move to adopt Ordinance No. 744
Picinich/Markovich - unanimously approved.

3. Second Reading of Ordinance - Budget Amendment - Finance Director Tom Enlow explained that two general fund departments required adjustments to their 1996 appropriations due to professional services exceeding their expectations.

MOTION: Move to adopt Ordinance No. 745
Markovich/Picinich - unanimously approved.

NEW BUSINESS:

1. Resolution - Call for Election, Westside Annexation. - Ray Gilmore introduced this Resolution and explained that the Boundary Review Board had received no appeals and therefore we adopting this Resolution calling for the election date of February 4, 1997. The Resolution also states that there will be two propositions. One being for or against

the annexation, and the second being the assumption of the taxpayers fair share of bonded indebtedness. These two propositions are not linked, should the annexation pass there is no obligation for the voters to pass the proposition of bonded indebtedness. They are both simple majority votes. Mark Hoppen explained that he would be delivering the entire election packet to the County by December 20th.

MOTION: Move adoption of Resolution No. 485
Picinich/Owel - unanimously approved

2. Utility Extension Request/Exemption Criteria - McPherson, Chevron Mini-Mart - Mark Hoppen explained that the McPhersons had come before City Council previously requesting sewer outside the city limits at the corner Olympic Dr. and Pt. Fosdick Dr.. He further explained that they were returning in order to address the exemption criteria. William Linn, the attorney representing the McPhersons, gave an explanation of the three things they wished to accomplish at this meeting: 1) Clearly state what the proposal is and what the McPhersons can and can't do; 2) Present a brief traffic testimony showing that the driveways as they are enhance the public safety; and 3) Come away with a decision from the City Council. City Attorney Carol Morris inquired of Mr. Linn if this was a new application and would Council be expected to rely upon evidence submitted in previous meetings. Mr. Linn replied that he did not know what was before the Council and that they would be addressing the eleven items the City said would be necessary to gain approval. He said that the McPhersons would like an opportunity to show how they meet the eleven items with the exception of the item requiring elimination of the driveway. Ms. Morris requested further clarification on what basis exactly Mr. Linn was expecting the Council to base it's decision. It was additionally pointed out by Ms. Morris that the Council would be unable to make a decision this evening, as their previous application was denied, therefore, there is no application for the Council to decide upon. There was some discussion by Councilmember Owel of whether or not the application had been denied or simply tabled. City Attorney Carol Morris read the minutes of the September 9th meeting and the motion for denial. Mark Hoppen stated that he felt that this was a new application. Councilmember Ekberg asked if this proposal they were about to see had been reviewed by staff. Mr. Linn stated yes it had. Public Works Director Wes Hill replied that he had not reviewed the specific proposal relative to the traffic information, as it was not available Friday evening when he met with Jeff McPherson. The McPhersons stated that there was no new information. Councilmember Ekberg asked whether or not they would be hearing a new proposal or just an outline of the differences between what they had seen before. An extensive discussion followed on whether or not the McPhersons had in fact had an opportunity to testify and Councilmember Ekberg asked for a 5 minute recess to clarify these issues. Mayor Wilbert further asked for Ron McPherson to explain what it was they were going to present. Mr. McPherson stated that this was the same thing they were going to present before and was not new. They intended to respond to the eleven points from staff and to explain how they feel they have complied all points except the requirement to get rid of

the second driveway. Councilmember Ekberg asked for clarification of the eleven points and an additional memo from the Planning Staff dated December 4th with 29 points. Mr. Hoppen explained that Mr. McPherson's intent was to explain those eleven points with respect to exception criteria not taking into account transportation standards. Mr. McPherson stated that he could no longer spend any more money redesigning this project. Councilmember Platt inquired as to why it would be redesigned if it was denied? Mr. McPherson explained that they felt Council had not seen the plan. Councilmember Ekberg clarified that they were going to show the original plan that the Council had already seen and asked how the McPhersons were going to comply with the eleven points. Mr. McPherson confirmed that that was what was being presented and that the new concept addressed in the December 4th memo was something they felt they could not accomplish because it would be too costly. Councilmember Ekberg inquired of Planning Director Ray Gilmore if he had determined whether or not they complied with ten out of the eleven points. Mr. Gilmore replied that he had not seen any specific evidence of compliance. Councilmember Platt asked Mr. Gilmore how the McPhersons could ever comply with the Comprehensive Plan if it prohibits gas stations on prominent corner lots. Mr. Gilmore replied that they could if they met the criteria in the Design Manual as was outlined in the December 4th memo. Councilmember Picinich stated that he would rather continue this item until such time that the Council has more information. City Attorney Carol Morris advised Council that a procedural problem exists since the McPhersons had their previous application denied, there is no application in front them to make a decision on. William Linn then spoke to the fact that he felt that the applicant had not had enough opportunity to present evidence. Mark Hoppen indicated that he was under the impression that the McPhersons were bringing forward a new proposal which would incorporate changes in relation to the Design Review Standards. Councilmember Ekberg stated that he wanted to make it clear that in fact the Council had heard a presentation on this project at the first meeting. City Attorney Carol Morris pointed out that there is still a procedural problem because there is no application for the Council to review. She further questioned Mr. Linn as to how the Council could possibly approve a denied application and that too much time had passed for a reconsideration. Ms. Morris informed the Council that they could not take any action without a new application. Ms. Morris stated that she had previously informed Mr. Linn, in writing, that the Council's decision on denial was final and that he could come back with another application. She stated that she understood that he would come back to Council with a new application not that he would ask Council to reconsider a decision made as long ago as September 9th. Normally an appeal must be filed within 30 days.

MOTION: Move to take no action until there is a new application in front of us.
Picinich/Owel -

After some discussion of the need for a motion, Councilmember Picinich withdrew his motion and it was decided to take no action and continue with the agenda.

William Linn then read a letter which he had written to Council September 20th.

MAYOR'S REPORT: Mayor Wilbert reported on Emergency Preparedness and CERT Training to respond to neighborhood emergency situations. She further stated that the training will be held at the new EOC building.

STAFF REPORT: Chief Barker reported that the Explorer Scouts won a statewide award. He further gave an update on the condition of Explorer Scout Jake Collen who was critically injured in a shooting two weeks ago is making great progress and that a fund has been set up to help cover medical costs.

Mark Hoppen reported that no appeals had been filed with the Boundary Review Board for the Gig Harbor North Annexation and we will be bringing an Ordinance to Council in January.

ANNOUNCEMENTS OF OTHER EVENTS:

1. Gig Harbor Historical Society - Harbor Holiday Walk, Saturday, December 14th, 4-9 pm
2. Gig Harbor Boat Parade - Saturday, December 14th.

APPROVAL OF BILLS

MOTION: Move approval of checks #16933 through #17027 in the amount of \$125,781.31.
Owel/Ekberg - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of checks #13401 through #13518 and #13521 in the amount of \$190,060.32.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 8:35 for the purpose of discussing litigation.
Picinich/Platt - unanimously approved.

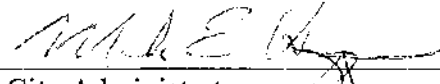
MOTION: Move to return to regular session at 8:50 p.m..
Picinich/Platt - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:51 p.m.
Platt/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 448 Side A 000 - end.
Tape 448 Side B 000 - end.
Tape 449 Side A 000 - 159.


Mayor


City Administrator