

GIG HARBOR CITY COUNCIL MEETING OF DECEMBER 8, 2003

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

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of November 24, 2003.
2. Correspondence: letters from: Association of Washington Cities, Department of the Army, and Comcast.
3. Contract Amendment No. 2 – 56th Street / Olympic Drive Street Improvement Project.
4. Stormwater Facilities Maintenance Agreement – 3519 56th Street Professionals LLC.
5. Liquor License Applications: The Green Turtle, Isamira Gourmet Cheese & Wine.
6. Liquor License Renewals: Gourmet Essentials, Harbor Arco AM/PM, Harbor Inn.
7. Approval of Payment of Bills for December 8, 2003.
Checks #41854 through #41939 in the amount of \$1,382,851.66.
8. Approval of payroll for the month of November.
Checks #2914 through #2959 and direct deposit entries in the amount of \$231,055.80.

MOTION: Move to approve the consent agenda as presented.
Picinich / Ruffo – unanimously approved.

OLD BUSINESS:

1. Second Reading or Ordinance – Zoning Text Amendments to Allow Structural Changes to Non-Conforming Signs. Steve Osguthorpe, Planning / Building Manager, explained that what is being presented is a different approach to the signage issue. Using a PowerPoint presentation to provide background and to illustrate the different options, Mr. Osguthorpe explained how the proposal currently before Council compares to what had previously been discussed and the existing city codes.

Steve explained that the revised proposal includes three options to allow flexibility. He explained that this ordinance includes some changes that are supported by staff and Courtesy Ford, changes proposed by Ford that are not supported by staff, and changes proposed by staff that come closer to meeting the intent of the current goals and policies in the Comp Plan and City Code. He added that staff believes that the current code fully achieves what the current Comp Plan, Design Manual, and other portions of

the Zoning Code set out to achieve. Steve gave an overview of each of the options contained in the proposed ordinance and answered Council's questions.

Steve asked for direction on how to proceed. He explained that consideration of the newly proposed ordinance would require another public hearing which could be held by either the Planning Commission, or by the City Council. He said that Council would also need to identify which options should be considered during the public hearing.

Richard Settle – Attorney for Courtesy Ford. Mr. Settle complimented Mr. Osguthorpe on the presentation, adding that it was a fair representation of the alternatives. He continued to say that he thought that significant progress had been made in negotiation, but unfortunately they were unable to reach an agreement on all aspects. He reiterated that his client's minimum need to retain the taller freestanding sign and one lower freestanding sign for the pre-owned vehicles in order to continue in business. Mr. Settle continued to give an explanation of the negotiations that resulted in the proposed ordinance before Council for consideration.

Councilmember Franich said that he thought the present sign code was an asset to the community, then continued to explain that he would like to see something simple when dealing with non-conforming signs that would allow a business to make changes as long as the sign does not become more non-conforming.

Councilmember Owel commented that this area of the city is not very attractive due to the amount of pole structures. She recommended that the applicant ought to consider the height at which a sign be most visible to the driver on the highway, which may be lower than the signs that already exist.

Councilmember Ruffo agreed, adding that it would take more than just Courtesy Ford to address the issue of the rest of the signs and light poles along that stretch. He said that he is looking for a solution similar to Councilmember Franich; something simple that would allow a business owner to make changes. He said that both sides have proposed something better than what currently exists, and it should be a simple thing to implement. Councilmember Ruffo acknowledged that it could set precedent, and that the consequences of precedent need to be taking into consideration, but if someone else comes forward with a similar proposal that improves the aesthetics of their location, it too should be considered because it is an improvement. He added that if the proposed ordinance must have a public hearing due to the legal ramifications, then Council should hold the hearing.

Councilmember Dick said that he appreciates the work that has gone into the proposed ordinance to address ways to reduce non-conformity. He then encouraged the use of the Planning Commission to hold the public hearing process to synthesize the information and make recommendations to Council.

Councilmember Young recommended asking the Planning Commission to take a look at whether pole signs should be allowed in certain areas of the city. He voiced his concern

that if non-conforming signs are allowed to continue, then it would set a precedent that would provide competitive disadvantage to a new business or a business that has moved to a new location.

Councilmember Dick brought attention to item 'E' of the proposal that would only allow for a one-time change to a non-conforming sign.

Councilmember Franich and Young discussed the merits of allowing non-conformity to continue and whether it would be more desirous to change the code to allow a non-conforming sign or a non-conforming building to exist legally.

Councilmember Ruffo said that Council needs to use common sense and make exceptions to accommodate a proposal that makes an improvement. He said that sending the issue back to the Planning Commission would take longer and that he thought Council should be able to make a code revision that would address all similar situations.

MOTION: Move that we follow the staff recommendation and we schedule a public hearing to be held by the Planning Commission.
Owel / Dick –

Council, staff members and Carol Morris all discussed the timing of sending this back to the Planning Commission and the fact that they had made a recommendation to deny any text amendments. Councilmember Ruffo called for the question.

RESTATED MOTION: Move that we follow the staff recommendation and we schedule a public hearing to be held by the Planning Commission.
Owel / Dick – a roll call vote was taken with the following results:

Young, no; Franich, no; Owel, yes; Dick, yes; Picinich, no; and Ruffo, no.

The motion failed four to two. The following motion was made to set a date for Council to hold a public hearing.

MOTION: Move that Council hold a public hearing at the first meeting in January.
Ruffo / Dick – unanimously approved.

POINT OF ORDER: Councilmember Dick asked John Vodopich, Community Development Director, whether comments would be required before the ordinance was sent to the state for consideration. Mr. Vodopich assured Councilmembers that it was highly unlikely that there would be any comments from the state on this issue and it would be okay to move forward with the public hearing at the same time the proposal

was submitted to the state. Councilmember Dick then asked what version would be considered during the public hearing.

Carol Morris, Legal Counsel, explained that it would be this version, with the various options. Council would then decide after the public comments which paragraph to adopt.

Richard Settle. Mr. Settle explained that his client is running out of time and recommended that Council allow all versions of text amendments to be available to the public for comment.

John Vodopich said that the first three versions had already been transmitted to the state for comment, so this was an option if Council wished. Councilmembers Franich and Ruffo agreed that this would be a good idea.

2. Second Reading of Ordinance – Hollycroft Rezone (REZ 00-01). John Vodopich, Community Development Director, presented this proposed rezone from B-1 to RB-2 to allow for professional offices. He said that the rezone was approved by the Hearing Examiner in March of 2001 for approximately 2.4 acres of property at the intersection of Hollycroft and Olympic Drive.

MOTION: Move to adopt Ordinance No. 948 adopting the Hollycroft Rezone. Dick / Ruffo - unanimously approved.

Carol Morris asked for clarification on the sign proposal and whether all proposals were to come back in January.

MOTION: Move to bring back all seven options. Young / Ruffo – three voted yes. Councilmember Dick and Owel voted no. The motion carried.

NEW BUSINESS:

1. Building Size Analysis Presentation – Final Report. John Vodopich introduced John Hoffman, Perteet Engineering, Inc., who summarized his comprehensive review of the issue of building size limitations. Mr. Perteet explained that he enjoyed working on this project with the task force comprised of staff, Planning Commission members, and Councilmembers. He gave an overview of the recommendations for each zone, and answered questions.

Dave Morris – 6018 106th Ave NW. Mr. Morris explained that he was very supportive of the Council's decision to bring in a professional to analyze the building size limitation issue. He then requested that properties located in the Urban Growth Area also be considered if changes were to be made to the B-2 zones within the city limits.

Evie Lynn – 10321 Rosedale Bay. Ms. Lynn said that she thought the city was a bit short-sited in setting arbitrary limitations on building size that may have a negative affect on future development. She said that there is a good design review process in place and a great Planning Commission, and every development should be judged on its own merits, its own location and its own size. She asked Council to trust the Design Review Board and Planning Commission to evaluate each development on its own merits.

Dave Orem – Gig Harbor Motor Inn. Mr. Orem said he is the owner of property adjacent to that owned by Evie Lynn, and said that he echoed her comments. He said that he was pleased at the amount of attention given to the B-2 zoning designation. He pointed out that the recommendation bases the need for a 65,000 square foot building to house a grocery store to keep them competitive. He asked if Costco is imminent, what the possibility that a new grocery would be coming to town. He asked for consideration to something other than a grocery store that might require more than 65,000 square feet.

Carl Halsan – 7766 52nd Place. Mr. Halsan asked for clarification if the 3,500 square foot limit applies to houses. His second question is whether the PUD process is still available in the B-2 zone. He then thanked Council for bringing in a consultant and asked where the process goes from here.

Mark Hoppen, City Administrator, explained that the PUD process is still available but the 65,000 square foot limitation is absolute. Councilmember Young explained that the reason for this is that it puts the redeveloped properties at a disadvantage because they were unable to achieve the same credits as an undeveloped property.

John Vodopich explained that no action was required and that a written report by Mr. Hoffman would be distributed to Council. This will come back to Council as a discussion item and to ask for guidance as to which recommendations would go through the public hearing process.

Nick Tarabochia – 8021 Shirley Avenue. Mr. Tarabochia said that he would like to see the 3,500 square foot limit on the Waterfront Millville addressed in the future. He said that he agreed with the other comments about building size limitations. He asked if Council could have one more vote so that Councilmember Owel could finish with on a positive note.

Dawn Stanton – 111 Raft Island. Ms. Stanton asked about the recommendation to change the Waterfront Commercial to Waterfront Millville and the boundaries of this change. Councilmember Franich explained that the change in boundary would be from Wild Birds to the Lovrovich Netshed. John Vodopich explained that the change would still allow the more traditional marine uses such as commercial fishing.

Councilmember Young thanked Mr. Hoffman for the presentation and the outside expertise. He also thanked Planning Commissioners Dick Allen, Paul Kadzik, Councilmember Elect Paul Conan, and all the others who participated on the committee helping to craft the report.

2. Resolution – Adopting an Employee and Volunteer Recognition Program. Mark Hoppen, City Administrator, explained that this is a housekeeping personnel policy that provides for common recognition awards. He explained that it references state statute that sets a \$200 limit for costs related to such purchases.

MOTION: Move to adopt Resolution No. 619 adopting an Employee and Volunteer Recognition Program.
Ruffo / Owel - unanimously approved.

STAFF REPORTS:

City Administrator Mark Hoppen asked Council for direction related to the 2004 objective to find lobbyist services. He explained that in his initial discussion with lobbyist, Tim Shellberg, he came up with a scheme that is a little bit broader than what had been envisioned with the \$10,000 allocation for an on-call lobbyist. Shellberg recommended a \$30,000 stipend, which appears to be a large amount, until you look at the list of tasks that are available. These include an office in Washington D.C. and the possibility of obtaining federal grant money for things like renovation of historical buildings. Mr. Hoppen offered to draft a contract if Council so wished.

Councilmember Young said that when he saw the concept, he was interested because it is different that what they first discussed. He recommended that Councilmembers at least take a look at it.

Councilmember Franich said that he has complete faith in staff to handle any grant needs that the city may have.

Mr. Hoppen then discussed the purchase of the Westside Park. He explained that all the conditions of the purchase and sale agreement had been met with the exception of a title report to cover the value of the property. The appraisal exceeded the purchase price in the agreement. The wetlands located on the property has been identified as 10,000 square feet as opposed to the initial estimate of 50,000 square feet, and that allowed the costs to be consistent with the purchase and sale agreement. The environmental review has no conditions, which means that the 5.5 acres is available for purchase for the price of \$758,000.

MOTION: Move to authorize the City Administrator to proceed as recommended.
Dick / Ruffo – five voted in favor. Councilmember Franich abstained.

Mark Hoppen mentioned a letter sent to Council last week from Doug Sorensen, who was present in the audience, offering his property on a long-term basis. Mr. Hoppen said that if Council would like to consider the offer, it would appropriate to let Mr. Sorensen know. If Council is interested, the first step would be to include the property

within the Parks, Recreation and Open Space plan. Councilmember Young said that he thought it was an interesting piece of property, and he would like to explore the possibilities. Councilmember Ruffo agreed.

GHPD – October Stats. Chief Mitch Barker explained that this would be his last staff report before leaving for Vancouver. He said that he has been reflecting on tonight's agenda and jokingly said that when he first came to work in 1995, the agenda items were the sign code, building size, and design review.

Chief Barker said that it has been wonderful working with this Council. He continued to thank Council on behalf of the Department for their support over the years, adding that that it has been a wonderful experience.

Councilmembers all voiced their thanks, and praised Chief Barker for a job well done.

PUBLIC COMMENT:

Keith Hamilton – 3502 Grandview Street. Mr. Hamilton thanked Council for the opportunity to view concerns regarding views. He mentioned the article in the Gateway, and asked for the opportunity to join in any effort to come to a solution.

Charlene Sandoval – 8033 Bayridge Avenue. Ms. Sandoval echoed Mr. Hamilton's comments, adding that she wanted to assure that their concerns are being addressed and that the city will follow through to come to a resolution.

Dawn Stanton – 111 Raft Island. Ms. Stanton referred to a letter from the Washington State Office of Archaeology and Historic Preservation. She read several of the recommendations stressing a conservative management of both the Skansie and Wilkinson properties. She voiced her concern that changes were being made to structures on these properties without the proper consultation with a historic preservationist. Ms. Stanton stressed the importance of the Skansie property as an historic landscape, adding that the Ad Hoc Committee would like to continue working on these properties.

Mark Hoppen explained that Dave Brereton, Director of Operations, is in contact with the state and consults them before making changes. Councilmember Ruffo directed Mr. Hoppen to draft a request for proposal for an historic preservationist, with a scope of work that would include community outreach. This will be brought back at the next meeting for consideration.

Nick Tarabochia. Mr. Tarabochia said that a complete inventory of what is located at the Skansie property should be done. He added that members of the Fisherman's Club should be included on the committee for the Skansie property. He then said that he lives on Shirley Avenue and agrees with comments made by Charlene Sandoval that something should be done.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Owel said that she would like to let the citizens of Gig Harbor know that it has been an honor to serve them on the City Council, and that she is proud of the things that this community has achieved and has been able to prevent. She continued to say that it has been a pleasure to serve with the other Councilmembers, and that all of those who have volunteered at one time or another should congratulate themselves on the fine service that they give.

Mayor Wilbert presented Councilmember Owel with a plaque in appreciation of her dedication and service.

The other Councilmembers took turns voicing their appreciation for all that Councilmember Owel has contributed over the years. She said that she will enjoy remaining active and will come and speak on the issues during the public comment period.

ANNOUNCEMENT OF OTHER MEETINGS:

Going away ceremony for Chief Barker, Friday, 4:30 p.m. at the Civic Center.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b) and pending litigation per RCW 42.30.110(1)(i).

MOTION: Move to adjourn to Executive Session for approximately thirty minutes at 9:42 p.m. for the purpose of discussion pending and potential litigation.
Picinich Ruffo - unanimously approved.

MOTION: Move to return to regular session at 10:15 p.m.
Ruffo / Owel – unanimously approved.

MOTION: Move to adjourn at 10:15 p.m.
Ruffo / Owel - unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 14.
Disc #2 Tracks 1 – 18.

Gretchen Wilbert, Mayor

Molly Towslee, City Clerk