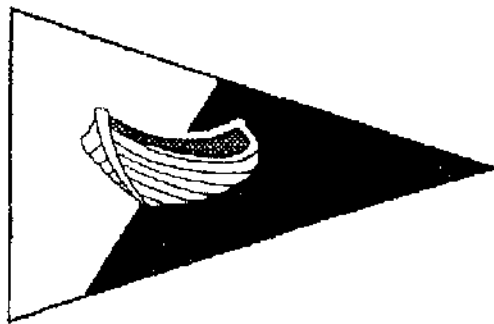


GIG HARBOR CITY COUNCIL MEETING



May 8, 1995

7:00 P.M., CITY HALL COUNCIL CHAMBERS

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

May 8, 1995 - 7:00 p.m.

PUBLIC COMMENT/DISCUSSION:

PUBLIC HEARING:

Planning Commission Recommendation to City Council - Sign Code Revisions - Continuation of the Public Hearing.

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. Vote-By-Mail Primary Election.
2. Sister City Project - Ted Condiff.

OLD BUSINESS: None.

NEW BUSINESS:

1. West Brook Glen, 92-01 - Request for a Six Month Extension for Final Plat Approval.
2. First Reading - Revision to Ordinance Governing the Election of Councilmembers.

MAYOR'S REPORT: None scheduled.

COUNCIL COMMENTS:

STAFF REPORTS:

Chief Richards - Gig Harbor Police Department.

ANNOUNCEMENT OF OTHER MEETINGS:

APPROVAL OF BILLS:

APPROVAL OF PAYROLL:

EXECUTIVE SESSION: To discuss litigation and property acquisition.

ADJOURN:



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: Planning Staff, Ray Gilmore
DATE: May 4, 1995
SUBJ.: Second Public Hearing - Proposed Amendments to Sign Code

INTRODUCTION/BACKGROUND

This is the second public hearing on the Planning Commission's proposed changes to the sign code. Also included in your packet is staff's response to the City's legal counsel review of the proposed, revised sign code. The staff response is in sequential order to the items stated in Carol Morris's review. These issues will be addressed at the worksession with the Planning Commission on Monday, May 15th. Please bring Carol's legal opinion with you to the meeting. If council members do not have a copy of the opinion, please call Diane at 851-4278 and a copy will be made available.

**Response to Legal Council's Comments
on
Proposed Sign Code Amendments**

The following is a response to Carol Morris' comments in her April 14, 1995 memo to Ray Gilmore concerning the proposed amendments to the sign code. The memo was submitted to the City Council at the April 24th public hearing. Many of Carol's comments related to "housekeeping" items only and can be easily addressed by text arrangement, and incorporate of section numbers as opposed to statements of general reference. Other items will require changes to the text. In these cases, new or revised language is proposed herein. Each response is numbered according to the numbered response in Carol's memo.

1. Comment 1 is a recommendation to move Section 17.80.050 closer to the beginning of the chapter. This is a housekeeping item and reflects no substantive changes to either the current or proposed sign code. This can easily be accomplished by moving 17.80.050 under the Purpose and Scope section in the front section of the sign code.
2. Comment 2 concerns the mention of commercial-type signs in relation to off-premise signs which implies regulation of content. This could be changed to read as follows:

Off-premises directional sign - a permanently installed sign which provides direction information to a business or service parcel located in Gig Harbor, but not located on the same property parcel as the sign in question.

Comment 2 also identifies a possible conflict in the manner in which off-premise signs are regulated throughout the code. This can be addressed with the above suggested change and also by deleting section 17.80.030(E) which in the current code allows for an administrative waiver of off-premise commercial signs. As Carol has indicated, off-premise commercial signs could be addressed through the normal variance process. The section on variances will retain the criteria but will refer to the procedures established under Section 17.66 for the processing of a variance. The revision is as follows:

D. Variances. ~~3. Variances:~~ Any person may apply to the hearing examiner for a variance from the requirements of this chapter. Variances shall be processed by the code administrator. The hearing examiner may grant a variance from the provisions and/or the requirements of the chapter in accordance with the procedures established in Section 17.66 of this Title, when:

1. a. The granting of the variance would not be materially detrimental to the property owners in the vicinity and the variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant; and
2. b. The granting of the variance would not be contrary to the objectives of this chapter; and
3. c. The signage of the property in question cannot be adequately

met under the literal interpretation and strict application of the chapter; and

~~4. d. The granting of the variance is necessary because of special circumstances relating to property location, topography, shape and size; site distance and limited view to property, and/or dependency of business to visual access of freeway traffic in the freeway interchange area (Area 1).~~

~~E. Administrative Waiver - Off-premises Signs 4. Administrative Waiver - Off-premises Signs. Off-premises commercial signs are prohibited by the City, unless a waiver is granted by the code administrator for an off-premises directional sign. Waivers shall only be granted upon a clear demonstration that the applicant's business or property is not visible from any streets or roads or on-premises signing cannot adequately convey the location and identity of the business to consumers who would normally use the business.~~

~~1. a. Such signs shall be directional only (no advertising other than name and location):~~

~~2. b. No more than two such signs for each business shall be approved:~~

~~3. c. The total area of the sign shall not exceed 24 square feet, such sign(s) must be permanently installed on private property, and the application must be accompanied by written permission of the owner of the property where the sign is to be located. Portable direction signs are not permitted, except real estate directional signs.~~

~~4. d. Such sign shall meet all other applicable provisions of this chapter.~~

~~5. e. If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.~~

Carol's concern over 17.80.020(24) being ""underinclusive"" can be addressed by changing the reference to a business or service location to reference to a parcel.

3. Comment 3 implies that the reference to Map 1 has been eliminated. It has not. It has only been relocated to the General Provisions section of the code (Section 17.80.031(A)).

4. The sentence in Section 17.80.030(B)(1) referring to permit requirements is incomplete. It should read as follows:

1. Two site plans showing the location of the affected lot, building(s) and signs(s) showing both existing and proposed signs.

Regarding ascertaining whether the installer has a valid contractor's license (Section 17.80.030(C)), we can either eliminate this line or require a regular building permit for a sign, in which case the building official would require a valid license.

Regarding Section 17.80.030(F) , reference to illumination color could be revised to read color of illumination.

Regarding Section 17.80.030(F)(1), reference to superior design solution could be revised as follows:

1. The proposed sign ~~design is consistent with design guidelines in place is of a superior design solution as determined by adopted design review procedures in place at the time the waiver is requested.~~

3. The waiver shall not be granted for the sole purpose of increasing advertising effectiveness.

Regarding the definition of a sign band width Section 17.80.030(F)(2) may be revised to read as follows:

2. The building for which the waiver is requested lacks typical ~~sign locations or sign band widths useable wall and/or fascia space~~ common to newer buildings.

Regarding the reference to Section 17.80.030(F)(4), the sentence could be completed as follows:

"If colored illumination is desired in Area 3, the sign is not visible from ~~to any resident within 200 feet of the parcel the sign is located on.~~

5. Comment 5 questions the purpose of a sign overlay district in addition to the three areas identified in the sign code. The sign overlay district is not an overlay in addition to all three districts; it identifies all three districts.

6. Comment 6 asks if illumination of color restrictions for area 3 should be included in area 3. This is defined under Area 3. We can remove it from Section 17.80.031(H).

7. We can eliminate the first sentence and address all concerns of inconsistencies.

In reference to regulation of signs in the City's right-of-way, we need to amend Chapter 12.02 to reference the sign code.

8. Regarding the definition of "space" and "sufficient reveal" the following revisions would help:

"However, to avoid a "maxed out" appearance, signs ~~may~~ shall be no larger than 70 percent of the width or height of the space blank wall space or fascia the sign is mounted to so as to leave sufficient reveal on all sides of the sign and to maintain an appropriate balance between the sign and wall.

9. In reference to regulation of signs in the City's right-of-way, we need to amend Chapter 12.02

to reference the sign code.

10. We can delete all reference to plantings and define "substantial curbing" as 6 inch high curb stops or sidewalk edges at least 3 feet from the planter base.
11. Agreed. This involves addition of Carol's proposed language.
12. Carol's concern over the applicability of general standards to temporary signs can be resolved easily by putting the same language in 17.80.040 as is found in 17.80.050.

The following text change to Section 17.80.040 would assure that temporary sign standards are applicable to political as well as promotional signs:

Except for business signs described under subsection 17.80.040(A) below, no permit is required for temporary signs. ~~These signs~~ Temporary signs are not allowed to continually advertise goods, services, political messages, or events on a site; permanent signs shall be used for that purpose.

Regarding projecting signs in Area 3, the following text change would clarify Carol's question of missing language:

"Projecting signs in Area 3 are limited to 32 square feet total ~~for~~ both sides. Projecting sign area shall be deducted from the allowable wall signage determined under subdivision 1 of subsection C and subdivision 1 of subsection D of this section respectively ~~Section 17.80.035(C)(1) and (D)(1)~~

Again, regarding regulation of sandwich board signs and real estate signs in the City's right-of-way, we need to amend Chapter 12.02 to reference the sign code.

13. Section 17.80.040(A) will be eliminated as this is already covered in the administration section.
Regarding signage within the right-of-way, Section 12.02 of the GHMC will need to be revised so that signage within the right-of-way is regulated by the Planning-Building Department.
14. To address Carol's concerns regarding campaign/political signs, staff proposes the following changes:

F. Campaign/Political Signs. Sign copy shall be limited to information about a candidate, political party or public issue involved in a current election campaign. Campaign/political signs are permissible on the edge of public rights-of-way (provided they are not hazardous to pedestrian or vehicular traffic) for a period not to exceed ~~30 90~~ days prior to and/or five days after the applicable election. It shall

be the responsibility of the candidate to have his/her campaign/political signs removed ~~within five days after the~~ election after the allowed time period or the city will remove such signs at the candidate's expense. ~~Campaign/ political signs may not otherwise be placed on public property and rights-of-way.~~ Maximum sign area shall be 12 square feet. Maximum height shall be 6 feet.

H. Political Message Signs. Political message signs are sign copy which address a personal or political conviction or ideology. These may be displayed up to a period of 90 days and must be located on private property. Maximum sign area is 6 square feet and the maximum height is 6 feet.

15. Carol suggests including temporary signs under Section 18.80.050 PERMITS NOT REQUIRED. The following language would address this need:

L. Temporary signs as per Section 17.80.040

Regarding clarification of "Poster Signs as per city ordinance", we can delete "as per city ordinance and incorporate "as per Section 17.80.040(B)".

All other references in the code which state "as per city ordinance" can be similarly amended to state the applicable section of the sign code.

Carol suggests including in Section 17.80.060 PROHIBITED SIGNS, those signs not meeting the requirements of this chapter. The following language would address this need:

L. Signs not meeting the requirements of this chapter.

Regarding Carol's comments on consistency of our treatment of off-premise signs (Section 17.80.060(K)), the following language would clarify this:

G. Off-premises signs, except real-estate directional signs, political signs, public service civic event signs, garage sale signs, as specifically allowed by this chapter.

17. Comment 17 asks why we should have an enforcement section in the sign code rather than a reference to the zoning code. The proposed changes to the sign code do bring enforcement actions in line with zoning code enforcement procedures. It is, however, handy to have these also stated in the sign code because the sign code is one of the few sections of the code which is widely distributed separate from the zoning code. While statement of enforcement procedures in the sign code is duplicative of general zoning code enforcement procedures, it is nonetheless useful information to individuals, business owners, or sign manufactures requesting a copy of the sign code.
18. Regarding elimination of non-conforming signs, this is the probably the most controversial

element remaining. Discussion with Carol has been extensive and it appears that the only options to address nonconforming signs is either through an amortization clause or amending the non-conforming section to require conformity if the sign panel or face is modified or replaced. However, the latter invites a host of other problems such as determining what the threshold is for panel modification (is it replacement or is it repainting or ??) and the more far-reaching question of First Amendment issues regarding the control of the "message content" of a sign. This is a matter of great importance not only to the business community but to staff as well. Council's direction is requested.

REGULAR GIG HARBOR CITY COUNCIL MEETING OF APRIL 24, 1995

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

PUBLIC COMMENT / DISCUSSION: None.

PUBLIC HEARING:

First Reading - Planning Commission Recommendation to City Council - Sign Code Revisions.

Mayor Wilbert opened the Public Portion of this agenda item at 7:05 p.m. She asked that each person signed up to speak to limit their testimony to five minutes. She read the names of the persons who had submitted written testimony, and explained that these letters were included in the Council Packet. She requested that in order to save time, persons who had not yet submitted any testimony have first opportunity to address council during this public hearing.

Don Huber - 8308 Warren Drive. Mr. Huber thanked Council for the opportunity to express his opinions regarding the new sign code ordinance proposal. He added that he was disappointed that the Planning Commission didn't seem to want to listen. He voiced his concerns regarding wall plane and area allocation, and added that he thought the two freeway exchange areas should be regulated uniformly and cited examples. He said the shopping centers had been developed under city regulations and it would be a major imposition to ask them to change their signage.

Ron Bentley - 7316 82nd St. Ct NW. Mr. Bentley spoke representing the area realtors. He passed out a summary of proposals regarding the Real Estate concerns. He gave a brief summary of the proposal, and asked for consideration in the code that would eliminate the use of "Directional Arrow" signs in lieu of allowing two additional temporary "Open House" signs. He illustrated why they felt the proposed two signs would not adequately direct potential buyers to the location of an open house. He added that he had conducted an impromptu survey of 100 people outside the Gig Harbor post office that afternoon regarding signage, and summarized the results of this survey.

Lois Powell - 4511 69th St. Ct. NW. Ms. Powell explained she was a new citizen of the City due to the latest annexation of Cedarcrest, and presented a petition with 97 signatures in support of the proposed sign code ordinance. She stated the reasons for supporting a stronger sign code which included protecting the scenic and aesthetic character of Gig Harbor from urban blight and the feeling that a strong sign code enhances the vitality of the business community.

Vilaskin Nguyen - Gig Harbor High School. Mr. Nguyen explained he was the upcoming Student Body President for Gig Harbor High School and said that he was concerned that the proposed changes in the sign code ordinance would affect the directional / advertising signs for the yearly "Tidefest" event, which is a major fundraiser for the extracurricular activities at the school. Staff explained that the portion of the code that regulates civic events was not being changed and the Tidefest signage would not be affected.

Doug Karman - 6707 Rainier Avenue. Mr. Karman, as a tax-paying citizen, voiced his concerns how the proposed changes would affect the economics of the city. He stated that 50% of the City's budget is derived from business activity, 40.6% of that represented by sales tax. He added that the signs oriented towards the freeway bring in outside revenue which pay for his police, his city government, his roads, and his services and that was very important to him. He said that property values would go down for the businesses which also have impact on the tax revenue. He talked about House Bill 164 and said he can't afford to pay for devaluing property due to government regulations. He is concerned that the economic impact has not been taken into consideration because of the financial liability that will occur due to this ordinance. He suggested the Council consider the proposal being submitted by the Chamber of Commerce.

Helen Nupp - 9229 66th Ave. NW. Ms. Nupp stated she supports a strong sign code to help preserve the beauty of the area for future generations. She added that visitors will be drawn to shop here because of the scenic beauty and would be far less apt to come into the city if this beauty were to be obscured by signs. If commercial establishments find they are not doing the volume of business they would like, the problem is not because of the brightness of their signs. She urged Council to adopt the amendments.

Matt Cyr - 4102 55th St. Ct. NW. Mr. Cyr, also representing Gig Harbor High School as their future student body treasurer, stated the same concerns as Mr. Nguyen. Mayor Wilbert asked if he had heard staff's assurance that the portion of the sign code affecting civic events was not being changed. Councilman Platt gave Mr. Cyr a copy of the proposed changes for his review.

James White - Hogan Enterprises, 3803 Bridgeport Way West, Tacoma. Mr. White stated that many points in the proposed code serve the downtown businesses well and that they should be retained without subjecting the freeway oriented businesses to unreasonable and discriminatory amendments. He added that the implementation of a master sign code plan would be an excellent addition, however, the major issues, such as sign orientation, letter size, logos, illumination, and non-conformance are ill conceived by the Planning Commission. He stressed that location and visibility is the life-blood of most businesses, and that for a few exceptions, the existing sign code has done a good job. He said that if passed as proposed, the proposed sign code would result in court challenges subject to its validity, and added that with minor changes, the existing sign code could work for everyone.

Ron Abersold - 3004 Islandview Court. Mr. Abersold said he was here in support of the real estate agents. He said that 40% of real estate sales that come into his office come from signs and that signs are the backbone of the real estate industry. He added the city signs are bland and need color, and he doesn't want to see a bland sign code. The second issue he spoke about was to ask council to think about the economic impact pointed out earlier. He said we need to generate income from outside to support services and that the signs do bring in people to the city, especially the ones oriented to the freeway. His last comment was to request that Lois Eyrse, representing the Chamber of Commerce, be allowed to speak.

Jim Clifford - 7506 Soundview Drive. Mr. Clifford commented that council was quick to question the realtor who performed the survey outside the post office, but not the lady who circulated a petition. He stated there should be more consistency in the surveys. He presented

a notebook of photos of local businesses, many outside city limits, showing a large representative of non-conforming signage, prepared by Lois Eyrse.

John Godulas - 3708 130th Peacock Hill Avenue. Mr. Godulas stated he is a local contractor/developer and also had been involved in retail for twelve years, and knows both sides of signage. In this area a lot of merchants put the blame on signs when their business fails and that is wrong. What brings customers to Gig Harbor is the location, quality of the merchandise, the exterior/interior of the buildings, and the friendliness of the merchants. He added that this is not Hollywood or Reno and if customers are not satisfied with the quality, they will not return. If any merchant believes they need bigger signs to be successful, will not be successful. If they offer quality services, the word will spread and people will seek them out.

Diane Skaar - 9320 74th Ave. NW. Ms. Skaar spoke in opposition to a Master Sign Plan for the reason it would be extremely difficult to administrate for the tenant, building owner and/or manager, and the city staff. She said she felt the city was looking for a certain "look" or "uniformity", but which would create a terrible burden for property owners. She said applying for a sign permit is already very frustrating and she can't even imagine what it will be like with the new proposal.

Jim Boge - 6606 Soundview Drive. Mr. Boge said there were a couple of areas that hadn't been discussed, such as construction signs. He said the proposal was too lenient with these type signs. He said he didn't see anything in the new revision regarding posting signs on utility and traffic poles. Councilman Ekberg pointed out that the utility pole issue was part of the code that was not being revised and that it is clearly spelled out. Mr. Boge said he disagreed with the right to extend the time period allowed for temporary signs from thirty to sixty days. He added that thirty days was sufficient.

Lois Eyrse - 3316 65th Ave. Ct. Ms. Eyrse, who is president-elect of the Chamber of Commerce, also owns a business on Stinson Avenue. She said that this sign code process is one of the most interesting phenomenons she had ever encountered. She added that the business community is concerned about the economic impact from this sign code revision and the only reason all the people were there tonight was because of the last paragraph, Section 1780070 - Nonconforming Signs. She said that having to bring signs into conformance upon tenancy or ownership change will not accomplish what is expected, and cited examples of potential problems. She said she understood the purpose of the revision was to keep the city clean and uncluttered, and that the business owners wanted that also, but wanted to be allowed to keep their existing signs.

Phil Arenson - 103 Raft Island. Mr. Arenson, owner of The Great Car Wash on Kimball Drive, said that a number of facts had been distorted. He said he has a computer survey that he could supply the results showing that 33% of his business at the car wash is from outside of the Gig Harbor area and the only reason for this is the signage and location. He added that the car wash produces quite a bit of revenue for the city and hope we produce more in the future, as well as property, sales tax, and use of services which is significant. He said his signage was not done with malice, he asked for no exemptions, maximized the property, and the signage was done to the letter of the law. He added that if he did not have visibility from the freeway, the property would not be worth what it is. He said that there would be many people economically disabled

if this code goes into effect, and the city taxpayers would be economically affected because there would be litigation and class action suits for the devaluation of property.

Monique Wallace - 5903 Lagoon Lane. Ms. Wallace read a prepared statement in support of the sign code changes to preserve the visual quality of our unique area. She cited Federal Way and Spanaway as negative examples, and Scottsdale, Arizona, and Poulsbo as positive examples of how restrictive signage can work.

Alma Boge - 6606 Soundview Drive. Ms. Boge said that Mr. Hogan alluded to the fact that the downtown area could support stronger codes than the businesses on or near Highway 16 that lead into the downtown area. She added that no one would want to turn into our town if they have to go through the maze of garish, unsightly, and oversize signs that will appear if strong codes are not adopted.

The public hearing portion of this meeting was closed at 8:20 p.m. Councilmembers scheduled a continuation of the Public Hearing at the May 8th meeting, a worksession with the Planning Commission on May 15th at 6:00 p.m., and the final reading will be held at the last Council Meeting on May 22nd. A short recess was taken.

CALL TO ORDER: 8:37 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the April 10, 1995 meeting as presented. Markovich/Platt - unanimously approved. Councilman Ekberg abstained.

CORRESPONDENCE: None.

OLD BUSINESS: None.

NEW BUSINESS:

1. Bicycle Friendly Community Resolution - Tom Enlow. Mr. Enlow introduced this resolution to certify the City of Gig Harbor in the League of American Bicycles "Bicycle Friendly Community" program, and gave a brief overview of the criteria and benefits in becoming certified. He introduced three members of the Tacoma Wheelman's Club who were present in the audience. A Bicycle Advisory Committee will be formed.

MOTION: Move to approve Resolution #443 to facilitate the certification of the City of Gig Harbor as a Bicycle Friendly Community. Ekberg/Picinich - unanimously approved.

2. Proclamation - May as National Bicycling Month. Mayor Wilbert introduced a proclamation declaring May as National Bicycling Month and May 17th as "Bike to Work Day".

MOTION: Move to approve the Mayor's proclamation. Platt/Picinich - unanimously approved.

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MOTION: Move to approve the Mayor's proclamation. Platt/Picinich - unanimously approved.

3. Request by Pierce County for a Quit Claim Deed on City Shop Short Plat. Mark Hoppen explained this request from Pierce County for a Quit Claim Deed on an easement that exists on the short plat where the City Shop is located to obtain clear title to construct the Bujacich Road project.

MOTION: Move to authorize the Mayor to sign the Quit Claim Deed.
Picinich/Markovich - unanimously approved.

MAYOR'S REPORT:

1. Domestic Violence. Mayor Wilbert explained her involvement with the Commission Against Domestic Violence, and her efforts to bring this situation to the attention of the appropriate people in the Peninsula School District.
2. Annexation Orientation. Mayor Wilbert announced that the first informational meeting to educate the public on annexations had gone well. She added that there seems to be interest and that Ben Yazici had been asked to supply information to several neighborhoods regarding general cost figures.

COUNCIL COMMENTS: None.

STAFF REPORT:

Tom Enlow, Finance Department. Quarterly Report. Mr. Enlow gave a brief report on the first quarter of the 1995 financial report.

Ben Yazici, Public Works Department - Update on North Harborview Drive Project. Mr. Yazici gave a report on the estimated costs of the items requested by Council at the last meeting for the North Harborview Drive Project. The rolled edge curb along one side of a certain portion of the project would cost an additional \$4,700, both sides would be \$9,415. The 200 linear feet of textured asphalt in front of the shopping area by the Shoreline Restaurant would cost an additional \$28,500. To add additional 5-7 parking spots in the centralized area of Milton/North Harborview Drive would be an approximately \$2,500 extra. Mr. Yazici recommended *not* doing the rolled-edge curb, but instead, making larger driveway cuts for the affected owners, for a cost of \$400 - \$500. He explained that although attractive when new, the textured asphalt was not as durable as would be required in that area, and suggested that at a later date, his Public Works crew could install brick or aggregate strips in that area. Council directed Ben to spend the additional \$400 - \$500 to enlarge the driveways of the affected property owners, and to forget the rolled edge curbs, textured asphalt, and the additional 5-7 parking spaces at this time.

ANNOUNCEMENT OF OTHER MEETINGS:

Worksession with the Planning Commission to discuss the Proposed Changes to the Sign Code - May 15th at 6:00 p.m. - City Hall.

Annexation Orientation Meetings:

Tuesday, May 30th	7 p.m. Shoreacres	City Hall
Tuesday, May 30th	8 p.m. East Gig Harbor	City Hall
Wednesday, May 31st	7 p.m. Westside/Pt. Fosdick	Pt. Fosdick Library
Wednesday, May 31st	8 p.m. Other Interests	Pt. Fosdick Library

APPROVAL OF BILLS:

MOTION: Move approval of warrants #14008 through #14097 in the amount of \$88,099.88.
Platt/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session for the purpose of discussing litigation and property acquisition for approximately 20 minutes.
Platt/Picinich - unanimously approved.

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

MOTION: Move we authorize the Mayor to sign the interlocal settlement agreement with Pierce County as presented, and furthermore we authorize the City Attorney to enter into a stipulation dismissing all litigation with the County at this time.
Markovich/Platt - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:37 p.m.
Ekberg/Markovich - unanimously approved.

Cassette recorder utilized.
Tape 384 Side B 235 - end.
Tape 385 Side A 000 - end.
Tape 385 Side B 000 - end.
Tape 386 Side A 000 - end.
Tape 386 Side B 000 - 051.

Mayor

City Administrator



2401 South 35th Street
Tacoma, Washington 98409
(206) 591-7427 • FAX (206) 591-3182

April 20, 1995

Mayor Gretchen Swayze Wilbert
8825 Harborview N #8
Gig Harbor, Wa 98332

Dear Mayor Wilbert:

By now, you have probably heard the rumor that Pierce County will be conducting a total Vote-By-Mail Primary Election. I wish to confirm with you that this is not a rumor, but indeed a fact.

In 1993, the Congress sent a message across this nation that they wanted as many people as possible to have the ability to vote and voter registration made as convenient as possible. In November of 1994, the voters overwhelmingly sent a message that they wanted government to be as cost-effective as possible without diminishing public services.

Additionally, in 1993, the state legislature revised RCW 29.36.120 by adding Section 2 which reads as follows: " For a two-year period beginning on June 9, 1994, and ending two years after June 9, 1994, the county auditor may conduct the voting in any precinct by mail for any primary or election, partisan or nonpartisan, using the procedures set forth in RCW 29.36.120 through 29.36.139."

In an attempt to satisfy both of these mandates and as your County Auditor, I decided to conduct a September Vote-By-Mail. It is important to me to let you know that I did not make this decision without a great deal of consideration. The following criteria was used: Participation, Cost to the Local Taxing Districts, and **Bottom-Line** - Cost Savings to all Pierce County Taxpayers.

Originally, I had planned to run the RTA election in the Spring as a Vote-By-Mail, but was asked specifically not to by the RTA Board. Knowing that in 1996 there would be a Presidential Election, I made the decision to run this September Primary election as a Vote-By-Mail. Some of my reasons were that with both the cities of Lakewood and Edgewood holding their General Election while the rest of us are conducting our Primaries, there could be a great deal of voter confusion. For your information, at this time there are 8 other counties planning on a September Vote-By-Mail election.



Page 2
April 20, 1995

WE ARE READY. We have our new software system, signature verification up and running, and our lists of registered voters have been purged and have gone through the National Change of Address system. A new ballot processing room is also ready to go.

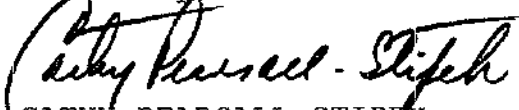
How does this affect you? As ballots will all be sent out approximately 20 days prior to the 19th of September, (Aug. 28th-Sept. 2nd), candidates and groups planning on evaluations, endorsements, etc. will need to step up their time-lines. With our new system, we will be able to help candidates & committees track whose ballots are returned. This will allow them a last minute effort to reach those voters who have not yet voted. The Pierce County Election Department pledges to do all we can to help candidates & committees reach the potential voters with as little cost expenditure as possible.

I realize there are those citizens who sincerely feel it is their right to have polling places open. To accomodate them, we will have approximately 12 locations strategically placed throughout the County for those who want to deposit their Vote-By-Mail ballots in a secure ballot box. We will announce these locations at a future date.

If all goes as planned, we should show between a 30-40% savings of election cost. We expect a voter turnout somewhere in the 70 to 80% range. This is a much greater turnout than the 30 to 50% we are now experiencing. With the mailing of our Primary Voter Pamphlet, those who vote should feel confident in casting an informed vote since they will have been provided proper information. In my opinion, all three of these facts are a real plus for the citizens of Pierce County.

I hope you will join with me for the success of this first Vote-By-Mail endeavor. If I can answer any specific questions, please feel free to contact me.

Sincerely,



CATHY PEARSALL-STIPEK
Pierce County Auditor

P.S. The cost for mailing back ballots will be one first class 32 cent stamp and we will be able to use the smaller envelope. How about that!!!

IoCa of America
302 East Carson Avenue
Suite 601
Las Vegas, NV. 89101
USA
Tel: 702 382-4343
Fax 702 382-6726

Sakhalin-IoCa
113 Mira Prospect
Office 93
Yuzhno-Sakhalinsk, Sakhalin 693000
Russia
Tel: 011 750 441 62228
Fax 011 750 441 62229

Date: 28 April 1995
To: City of Gig Harbor
Attn.: Gretchen A. Wilbert, Mayor
From: Ted Condiff

Dear Honorable Mayor Wilbert:

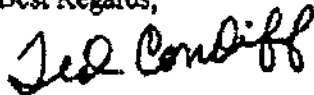
Thank you for the nice letter and compliments about our visit to America. We have some good news for the third grade class of Captain Nick Adams at Discovery Elementary School.

On the morning of May 3, I will receive letters and pictures from the students at the Poronysk School. I am leaving for Seattle that day and I will bring them and deliver them to the school. In addition, I will bring the signed proclamation for the development of the Sister City project.

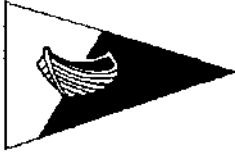
I plan to be in Gig Harbor the week of May 8 and will contact you.

This is an exciting project and I look forward to being involved in the stages of development. I do know projects involving Russia are time consuming but are very rewarding. This will be fun!

Best Regards,



Ted Condiff



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: Planning Staff, Ray Gilmore
DATE: May 2, 1995
SUBJ.: Request for Time Extension on Preliminary Plat - Dorland Construction

INTRODUCTION/BACKGROUND

The plat of Westbrook Glen was granted preliminary plat approval in June of 1992. The state subdivision act states that a preliminary plat is valid for a period of three years unless an extension is granted by local government to allow the completion of the plat. Mr. Ed Dorland, of Dorland Construction, has requested a six month extension on the plat to allow the completion of the required improvements prior to the filing of a final plat with the city.

POLICY

RCW 58.17.140 permits the granting of up to a one-year extension upon the filing of a written request by the applicant at least 30 days prior to the expiration of the three-year period. The Council has typically granted a time extension to preliminary plats where it is shown that a good-faith effort has been made to complete the subdivision in a timely and reasonable manner.

RECOMMENDATION

Mr. Dorland has demonstrated that a good faith effort is being made to complete this plat on time and that his request is reasonable. Staff recommends the granting of a six month extension for the completion of the plat.

Staff Contact: Ray Gilmore

DORLAND CONSTRUCTION, LTD

DORLACL077DH

APRIL 24, 1995

CITY OF GIG HARBOR,

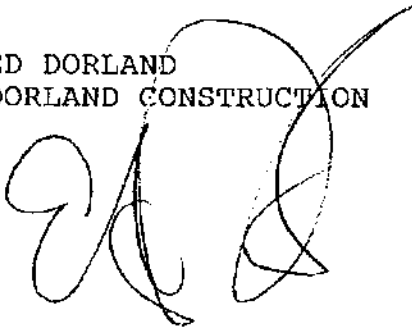
THIS LETTER IS TO REQUEST A SIX MONTH EXTENSION FOR THE FINAL PLAT APPROVAL FOR WEST BROOK GLEN, #92-01.

WE APPLIED FOR OUR FILING AND GRADING PERMIT ON JANUARY 17, 1995 AND HAVE BEEN DELAYED BECAUSE OF WEATHER. THE STORM DRAINAGE AND SEWER LINES ARE INSTALLED AND HOPE TO HAVE THE WATER LINES INSTALLED BY THE END OF THIS WEEK.

WE WILL STILL NEED TO GET THE 95% COMPACTION RATE AND WILL NEED TO HAVE SOME GOOD WEATHER TO ACCOMPLISH THAT. WE ARE STILL HOPING TO FINISH THE PLAT IN JUNE BUT ARE WORRIED THAT BAD WEATHER COULD DELAY US FURTHER. WE DON'T WANT TO MISS OUR DEAD LINE OF JUNE 8, 1995 FOR FINAL PLAT APPROVAL.

THANK YOU.

ED DORLAND
DORLAND CONSTRUCTION

A handwritten signature in black ink, appearing to be 'ED DORLAND', written over the typed name.

COPY

WESTBROOK

A PORTION OF THE N.E. 1/4 OF THE SECTION 6, TOWNSHIP 21 NORTH, RANGE

13 15 A

CB #4, TYPE 1
 STA 16+28, 0.0' RT
 RIM = 170.40
 I.E. = 166.40 (E)
 I.E. = 166.40 (N & S)
 WITH LOCKING GRATE
 SEE DETAIL 14
6

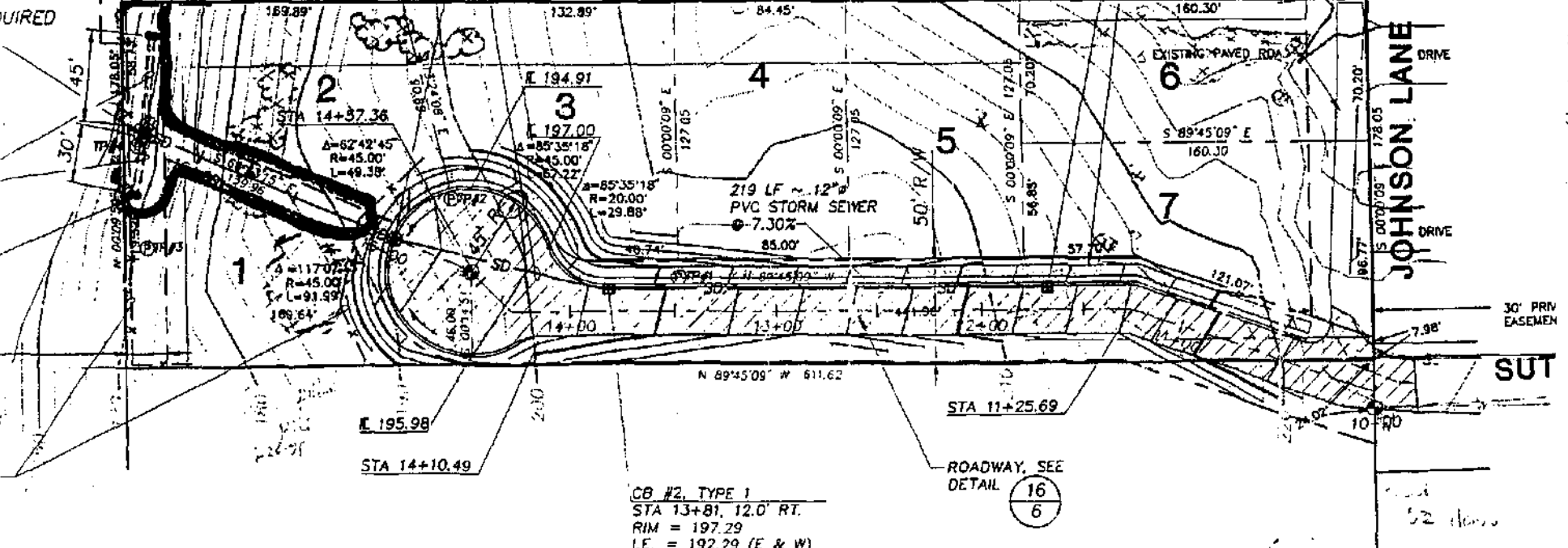
CB #3, TYPE 2 - 54"Ø
 STA 15+07, 0.0' RT
 RIM = 192.70
 I.E. = 187.70 (E)
 INSTALL OIL POLLUTION
 CONTROL DEVICE ON
 DISCHARGE. SEE DET. 11
6

CB #1, TYPE 1
 STA 11+67, 12.0' RT
 RIM = 213.27
 I.E. = 208.27 (W)

133 LF ~ 12"Ø
 PVC STORM SEWER
 S = 16.0%

126 LF ~ 12"Ø
 PVC STORM SEWER
 S = 3.6%

INSTALL 66" CONCRETE
 SIDEWALK. SEE
 DETAIL 19
6



CB #2, TYPE 1
 STA 13+81, 12.0' RT
 RIM = 197.29
 I.E. = 192.29 (E & W) 16
6

ROADWAY, SEE
 DETAIL 16
6

= CLEANING AREA

Handwritten note: This is removed catch basin...
 New system for cleaning.

Handwritten note: Drive pipe layout of...
 catch basins & clean area.



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT, CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: ORDINANCE FOR ELECTIONS AND VACANCIES
DATE: MAY 3, 1995

INFORMATION/BACKGROUND

Currently, the Gig Harbor Municipal Code does not reflect statutory election and vacancy provisions to which this jurisdiction is actually accountable. Since statutory provisions prevail over the code, the code needs to be revised. Legal counsel recommends changes relating to declaration of candidacy, election of councilmembers, and the manner in which councilmember vacancies are filled. This is housekeeping alteration, since the city is already accountable to the State provisions.

RECOMMENDATION

This is the first reading of this ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE PROCEDURE FOR FILLING COUNCILMEMBER VACANCIES; AMENDING GIG HARBOR MUNICIPAL CODE SECTION 2.12.050, 2.12.060, 2.12.070, 2.12.080, 2.12.090.

WHEREAS, the Legislature has changed the statutory procedure for the declaration of candidacy, election of councilmembers, and the manner in which councilmember vacancies in the cities are filled (RCW 42.12.010); and

WHEREAS, the procedure for filling councilmember vacancies in the Gig Harbor Municipal Code is inconsistent with state law; now, therefore,

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

Section 1. Section 2.12.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

2.12.050 Residency and registration. No person shall be eligible to hold elective office within the city unless the person is a registered voter of the city at the time of filing his or her declaration of candidacy and who has not continuously resided within the corporate limits of the city for at least one year next preceding his or her election ~~six months immediately preceding the date of the election to be held for that office, and who is not a registered voter within the city at the time of his nomination.~~ Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with the city is construed to have been residence within the city.

Section 2. Section 2.12.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

2.12.060 Declaration of candidacy -- Filing. Nominations for elective offices within the city shall be made by filing declarations of candidacy with the city clerk in the manner hereinafter provided and ~~as set forth in chapter 29.15 RCW.~~ There shall be no primary elections for nominating candidates for any elective office of ~~said~~ the city. ~~Primaries shall otherwise be held as provided in chapter 29.21 RCW.~~

Section 3. Section 2.12.090 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

2.12.070 Declaration of candidacy -- Procedure, fee, form.

A. All nominations for elective office in the city shall be made by filing declarations of candidacy with the city clerk ~~at the times and dates provided in RCW 29.15.020; not more than 60 days nor less than 45 days prior to the holding of said elections.~~

B. All declarations of candidacy shall be accompanied by a filing fee ~~as provided in RCW 29.15.050~~ equal to one percent of the annual salary fixed by statute or ordinance for said position, provided, however, that no filing fee shall be less than \$1.00.

C. Declarations of candidacy shall substantially conform to the form set forth in ~~chapter 29.18030~~ RCW.

Section 4. Gig Harbor Municipal Code Section 2.12.080 shall be amended to read as follows:

2.12.080 Election of Councilmembers -- Vacancy. Five councilmembers shall be elected for terms of four years each, with three such councilmembers being elected in the even numbered years and two during the odd numbered years and shall serve until his or her successor is elected, qualified and assumes office in accordance with RCW 29.04.170. In the event of a vacancy in a councilmember office, the city council shall by majority vote, choose and appoint a councilmember to fill said vacancy in the manner set forth in RCW 42.12.016, or other applicable state statute until the next general election at which time a person shall be elected to serve for the remaining expired term.

Section 5. Section 2.12.070 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

2.12.090 Election of Mayor -- Vacancy. A mayor shall be elected for four-year terms of office and shall serve until his or her successor is elected, qualified and assumes office in accordance with RCW 29.04.170 each four years for a four-year term, with the next election for such office after the effective date of the ordinance codified in this chapter to be held in the year 1951. In the event of a vacancy in the office of the mayor, the city council shall by majority vote choose a mayor pro tempore to fill the unexpired term.

Section 6. In any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: _____

Filed with the City Clerk: April 27, 1995
Passed by the City Council:
Published:
Effective Date:

**SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington**

On the ____ day of _____, 1995, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE PROCEDURE FOR FILLING COUNCILMEMBER VACANCIES; AMENDING GIG HARBOR MUNICIPAL CODE SECTION 2.12.050, 2.12.060, 2.12.070, 2.12. 080, 2.12.090.

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

DATED this ____ day of _____, 1995.

CITY ADMINISTRATOR, MARK HOPPEN



DENNIS RICHARDS
Chief of Police

City of Gig Harbor Police Dept.
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-2236

GIG HARBOR POLICE DEPARTMENT

MONTHLY ACTIVITY REPORT

APRIL 1995

	APRIL 1995	YTD 1995	YTD 1994	%chg to 1994
CALLS FOR SERVICE	<u>281</u>	<u>1212</u>	<u>1029</u>	+ 17
CRIMINAL TRAFFIC	<u>20</u>	<u>73</u>	<u>100</u>	- 27
TRAFFIC INFRACTIONS	<u>101</u>	<u>291</u>	<u>311</u>	- 6
DUI ARRESTS	<u>4</u>	<u>15</u>	<u>37</u>	- 59
FELONY ARRESTS	<u>7</u>	<u>20</u>	<u>12</u>	+ 66
MISDEMEANOR ARRESTS	<u>13</u>	<u>58</u>	<u>90</u>	- 35
WARRANT ARRESTS	<u>6</u>	<u>26</u>	<u>34</u>	- 23
CASE REPORTS	<u>58</u>	<u>258</u>	<u>270</u>	- 4

