

GIG HARBOR CITY COUNCIL MEETING

APRIL 22, 1991

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
7:00 p.m., APRIL 22, 1991

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

PLANNING COMMISSION APPOINTMENT:

1. Recommendation of Theresa Malich-Mueller.

PUBLIC HEARINGS:

1. Ordinance regarding zoning code revisions - 1st reading.

APPROVAL OF MINUTES:

OLD BUSINESS:

1. Update on Puget Sound Regional Council - ^{Bill} Earl Mahan.
2. Soundview Drive road improvements.

NEW BUSINESS:

1. Ordinance regarding condemnation procedures - 1st reading. *Archie Pennington*
2. Truck traffic ordinance - 1st reading.
3. Ordinance prohibiting use of compression brakes - 1st reading.
4. Hearing Examiner report and recommendation on SDP 90-02: Harbor Place Marina - Resolution.
5. Hearing Examiner report and recommendation on SPR91-01/CUP91-01: Peninsula School District - Resolution.
6. Contract award - replace kitchen roof at City Park.

DEPARTMENT MANAGERS' REPORTS:

APPROVAL OF BILLS:

Warrants #7115 through #7174 in the amount of \$41,690.57.

ADJOURN:



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3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: CITY COUNCILMEMBERS
FROM: GRETCHEN WILBERT, MAYOR
RE: PLANNING COMMISSION APPOINTMENT
DATE: APRIL 18, 1991

Theresa Malich-Mueller has stepped forward to volunteer to fill a vacant seat on the Gig Harbor Planning Commission.

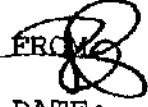
Theresa will bring to the Planning Commission a background steeped in the cultural heritage of the local fishing community. She will fill out the term of commissioner Marion Stancic who died suddenly and unexpectedly a few weeks ago.

She has spent her entire life in Gig Harbor and presently is employed as a teacher in the Peninsula School District. Theresa and her husband, Randy, are enthusiastic members of the boating community.

I hereby recommend the appointment of Theresa Malich-Mueller to the Gig Harbor Planning Commission be approved.



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TO: Mayor Wilbert and City Council
FROM:  Ray Gilmore
DATE: April 17, 1991
SUBJ.: Recommended "House Keeping" Changes to the Zoning Code.

Attached for your consideration is an ordinance to revise certain sections of the zoning code which are effectively minor in nature and consist of "house-keeping" changes.

The Planning Commission conducted a public hearing on the proposed changes on February 19. There was not any public comment offered at the public hearing. The Planning Commission finds that the proposed changes are necessary to correct what it perceives as "oversights". When the revised code was adopted in April of last year, it was understood that some adjustments would prove to be necessary as administration of the new document progressed. The proposed changes are not substantial and offer correction or clarification to existing language.

The proposed changes are:

- 1) Excluding private roads and easements from minimum lot area calculations. The Planning Commission finds that the present language is highly restrictive and presents an unnecessary encumbrance to many property owners with small parcels.
- 2) Including the word "new" in the applicability section of site plan review. The Planning Commission finds that this clarifies the intent of site plan review and does not effect the requirements for expanded or changed uses.
- 3) Permit parking in front and rear yards of RB-1 districts, with the provision of a minimum landscape buffer. The Planning Commission finds that the present restriction on no parking is unduly restrictive and it is the only district that contains this restriction.

- 4) Permit the encroachment of eaves, "bump-outs"/bay windows and decks/balconies of up to eighteen inches into all yards. This provision was in the old code and the Planning Commission finds it reasonable to continue this allowance in the updated code.

The Council's favorable consideration of these amendments is requested.

CITY OF GIG HARBOR

Ordinance No. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REVISING SECTION OF THE CITY OF GIG HARBOR ZONING CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor Planning Commission has determined that certain sections of the zoning code should be refined, clarified and adjusted to more effectively implement the policies and goals of the City of Gig Harbor Comprehensive Plan; and,

WHEREAS, the Planning Commission conducted a public hearing on February 19, 1991, on the proposed house keeping changes; and,

WHEREAS, the Planning Commission finds that the proposed changes promote the public health, safety and general welfare of the community.

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

Section 1. Title 17 of the City of Gig Harbor Municipal Code is amended as follows:

...

17.04.080 Area, site. "Site area" means all the area within the boundaries of a lot, tract, parcel or site excluding public right-of-ways dedicated to the state, county or city for use as thoroughfares, ~~and private right-of-ways established for motor vehicular thoroughfares; also, excluding any area excluding easements granted for purposes other than public access or thoroughfares.~~

...

17.04.890 Yard, front. "Front yard" means a yard extending the full length of the front lot line and its depth is measured horizontally at right angles to the front lot line from midpoint of the front lot line to the midpoint of the

front building line, except roof eaves, bump-out windows and decks/balconies may encroach up to a maximum of eighteen inches into the yard.

...

17.04.900 Yard, rear. "Rear yard" means a yard extending the full length of the rear lot line and its depth is measured horizontally at right angles to the rear lot line from midpoint of the front lot line to the midpoint of the rear building line, except roof eaves, bump-out windows and decks/balconies may encroach up to a maximum of eighteen inches into the yard.

...

17.04.910 Yard, side. "Side yard" means a yard extending from the front yard to the rear yard and its depth is measured horizontally at right angles to the side lot line from midpoint of the side lot line to the midpoint of the side building line, except roof eaves, bump-out windows and decks/balconies may extend up to a maximum of eighteen inches into the yard.

...

17.96.020 Applicability.

...

B. Site plan review and approval shall be required for all new nonresidential uses and for the location of any building or multifamily development in which more than two dwelling units would be contained, and shall apply throughout the city...

...

17.28.050 Minimum Development Standards.

...

J. Parking is not permitted in setback areas in the side yards. Parking in front and rear yards is permitted, provided that a minimum landscape buffer of ten feet, consisting of a dense vegetative screen, is provided in these yards.

Ordinance No.
Zoning Code Revisions
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Section 2. This ordinance shall be in full force and effect five (5) days after passage and publication by posting as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the City Council held on this _____ day of _____, 1991.

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 4/15/91
Passed by City Council:
Date published:
Date effective:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF APRIL 8, 1991

PRESENT: Councilmembers Frisbie, Hoppen, English and Mayor Wilbert.

ABSENT: Councilmembers Davis and Perrow.

PUBLIC COMMENT/DISCUSSION: None scheduled.

CALL TO ORDER: 7:04 p.m.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of the meeting of March 25, 1991.
English/Hoppen - approved by a vote of 2 - 0
with Frisbie abstaining.

CORRESPONDENCE:

1. Letter from Louis Mentor, Mayor of Bremerton, regarding a national cemetery site.
2. Letter from Anthony's HomePort regarding the Puget Sound Alliance protecting the waters of Puget Sound.
3. Tacoma-Pierce County Board of Health Meeting - minutes of the meeting of April 3, 1991.

OLD BUSINESS:

1. Interlocal Agreement creating the Puget Sound Regional Council.

MOTION: To approve the suggestion to join the regional planning council and agree to sign the interlocal agreement creating the Puget Sound Regional Council.
English/Hoppen - motion and second withdrawn.

Jack Bujacich, former member of the PSCOG, expressed concerns regarding the number of votes King County would have in the PSRC as opposed to those in Pierce and Snohomish Counties.

MOTION: To authorize the mayor to sign the agreement creating the Puget Sound Regional Council if, in her judgement, a more reasonable voting ratio is accomplished.
English/Hoppen - approved by a vote of 2 - 1
with Frisbie voting against.

NEW BUSINESS:

1. Presentation by Rob Orton of the Peninsula Light Company.

Mr. Orton discussed issues that affected the local area, specifically the proposed undergrounding of utility lines on Soundview and the proposed Peacock substation.

2. Traffic levels of service - Resolution.

MOTION: To adopt Resolution #311.
Hoppen/English -

Discussion followed on the need for clarity of the terms of the Resolution.

MOTION: To table this issue until the meeting of April 22, 1991.
Frisbie/English - approved by a vote of 2 - 1 with Hoppen voting against.

Following the vote on the motion to table, discussion continued in an effort to clarify the Resolution. Council recessed to clarify the language in the Resolution and then returned to order.

MOTION: To adopt Resolution #311 as clarified.
Frisbie/English - unanimously approved.

3. Design review technical committee - Report to Council.

Planning Director Ray Gilmore explained to council the recommendations of the committee regarding the process of establishing a design review committee.

Jack Bujacich spoke as a member of the committee.

4. Special occasion liquor license application - Friends Helping Friends III.
No action taken.

5. Condemnation procedures - Ancich property.
This item was a last minute addition to the agenda, so City Administrator Mike Wilson asked council to review it in preparation of discussion on it at the meeting of April 22, 1991.

DEPARTMENT MANAGERS' REPORTS:

1. Police.
Police Chief Denny Richards presented council with the department's monthly statistics.

ANNOUNCEMENT OF OTHER MEETINGS:

1. DOT - SR-16. April 17, 1991, at 9:00 a.m.
2. PNA-Home Rule. April 9, 1991, at 7:00 p.m.

APPROVAL OF PAYROLL:

MOTION: To approve warrants #5538 through #5654 in the amount of \$144,097.74.
Frisbie/English - unanimously approved.

APPROVAL OF BILLS:

MOTION: To approve warrants #7060 through #7122 in the amount of \$61,178.12.
Frisbie/Hoppen - unanimously approved.

EXECUTIVE SESSION:

1. Galbraith Claim.

There was no motion to go into Executive Session nor any discussion of this item.

MOTION: To deny this claim for damages.
Frisbie/English - unanimously approved.

ADJOURN:

MOTION: To adjourn at 9:27 p.m.
Frisbie/Hoppen - unanimously approved.



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April 18, 1991

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MICHAEL R. WILSON, CITY ADMINISTRATOR
RE: SOUNDVIEW DRIVE IMPROVEMENTS
DATE: APRIL 18, 1991

As was suggested by the city council, we conducted another community meeting (primarily of Soundview Drive residents) to discuss the details of reconstructing Soundview Drive. The various options were presented by Ben and me at the meeting relative to design and reconstruction of Soundview. We once again had good participation at this meeting (perhaps 60-65 attendees) with mostly positive input and good questions.

The results of this meeting concluded that the city should reconstruct Soundview with the following improvements:

- 1) sidewalk on west side of street;
- 2) three lanes with the third lane used as a combination left turn lane, parking and landscaping respectively in various locations along Soundview (see drawing);
- 3) bike lane on west side.

There was not a consensus on the construction of a sidewalk on the east side of the street. Due to the fact that this sidewalk is not essential and would add an additional \$75,000 to the cost of the project, we are not recommending its inclusion in the project. The elimination of this sidewalk, in addition to adjusting the width of the travel lanes to eleven feet (11') and the bike lane to four feet (4'), will allow the city the flexibility needed to avoid disruption of major existing structures within the right-of-way (i.e., retaining walls, substantial vegetation).

I am attaching the outline we provided to the participants at the meetings. This handout sets forth the project goals and objectives, project alternatives, and a financial overview. There was no input from the meeting that resulted in any change to the objectives, other than perhaps the removal of providing sidewalks on both sides of the street (see item #7).

Soundview Drive Improvements
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As is evidenced by Ben's accompanying report, the city has two viable options for the reconstruction of Soundview: 1) reconstruct Soundview by using the overlay/petro mat process, or 2) reconstruct Soundview by removing and replacing the existing pavement. There is approximately \$200,000 difference in cost (\$1,030,000 versus \$1,220,000). Due to the cost savings and success of the overlay/petro mat process, we would recommend Option 1.

I have scheduled a meeting tomorrow (Friday) with our bond company, Security Pacific Securities, to discuss in more detail the bonding of this project and the Hunt-Kimball LID. Although I will have more information for you Monday evening relative to the financing of this project, I have set forth below the funding options for the two project alternatives.

Option I.

A. Project Cost

Construction, design	\$1,030,000
Less storm drainage improvements (Fund 411)	<140,000>
	<u>890,000</u>

B. Financing

Cash: \$90,000 - 1992 budget

Amount Financed: \$800,000 *to go*

Term of Financing: 15 years *5-21-93*

Debt Service Schedule:

<u>Principal</u>	<u>Coupon Rate</u>	<u>Interest</u>	<u>Total Debt Service</u>
35,000	6.5%	52,000	87,000
35,000	6.5%	49,725	84,725
35,000	6.5%	47,450	82,450
40,000	6.5%	45,175	85,175
40,000	6.5%	42,375	82,375
40,000	6.5%	39,975	79,975
50,000	6.5%	37,375	87,375
50,000	6.5%	34,125	84,125
55,000	6.5%	30,875	85,875

Soundview Drive Improvements
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60,000	6.5%	27,300	87,300
65,000	6.5%	23,400	88,400
70,000	6.5%	19,175	89,175
75,000	6.5%	14,625	89,625
75,000	6.5%	9,750	84,750
75,000	6.5%	4,875	79,875
<u>800,000</u>			

Option II.

A. Project Cost

Construction, design	\$1,220,000
Less storm drainage improvements (Fund 411)	<u><140,000></u>
	1,080,000

B. Financing

Cash: \$100,000 - 1992 budget

Amount Financed: \$980,000

Term of Financing: 15 years

Debt Service Schedule:

<u>Principal</u>	<u>Coupon Rate</u>	<u>Interest</u>	<u>Total Debt Service</u>
40,000	6.5%	63,700	103,700
40,000	6.5%	61,100	101,000
45,000	6.5%	58,500	103,500
50,000	6.5%	55,575	105,575
55,000	6.5%	52,325	107,325
55,000	6.5%	48,750	103,750
60,000	6.5%	45,175	105,175
65,000	6.5%	41,275	106,275
70,000	6.5%	37,050	107,050
70,000	6.5%	32,500	102,500
75,000	6.5%	27,950	102,950
80,000	6.5%	23,075	103,075
85,000	6.5%	17,875	102,875
95,000	6.5%	12,350	107,350
95,000	6.5%	6,175	101,175
<u>980,000</u>			

It is important to note that the city is limited by state laws to an indebtedness amount not to exceed $\frac{3}{4}$ of 1% of value of taxable property in the city. This leaves the city with the ability to debt finance up to an additional approximately \$1.2 million without the assent of the voters. It would not be wise on the city's part to use up nearly all of this debt limit; therefore, Option I is more desirable and recommended for city council approval. With city council approval, we would proceed by negotiating a design contract with a traffic engineering firm which would be brought back for city council acceptance.

Relative to any interest as to financing the cost of undergrounding the utility poles, as has been requested of me by the mayor to investigate, we could work with the property owners to form a local improvement district (LID) to fund this expense. We cannot, however, carry any of this cost on behalf of the property owners until such property was sold before recovering the reimbursement from the property owner (as had been suggested as an option). This type of an arrangement would be illegal since it would be tantamount to lending credit which is prohibited by the state constitution.

There are approximately 190 parcel of property on Soundview (including the adjoining subdivisions). If we assume the cost for undergrounding the utilities would be approximately \$500,000, the average individual property assessment would be \$2,630.

ATTACHMENT "A"

SOUNDVIEW DRIVE IMPROVEMENTS

I. GOALS\OBJECTIVES:

Goal: Reconstruct the street in a fashion to handle present and future traffic flow. Provide a better road surface, improved access to and from adjoining residents. Complete design and construction by 1993.

Objectives:

- 1) Financially cost effective and affordable.
-Cost range of options: \$480,000 to \$1,370,000
- 2) Safety
-traffic (travel lane widths, turning lanes, parking)
-pedestrian (walking on shoulders, children waiting for school buses, and transit bus users)
-bicycle (bicycle lanes or sidewalk)
- 3) Disturbance of major existing structures on Soundview right-of-way (retaining walls), avoid constructing significant, costly structures (retaining walls)
- 4) Aesthetics
-road surface, sidewalks
-undergrounding or moving of utilities (not part of the city project cost)
-landscaping and planters
- 5) Storm drainage improvements - completion of storm drainage system on the lower and upper sections of Soundview
- 6) Parking and turning lanes - provide turn lanes in appropriate locations (intersections, side streets, and major developments) and on-street parking in needed, desirable locations
- 7) Sidewalks
~~-west side of street~~
-both sides of street
- 8) Bicycle lane - west side of street
- 9) Flexibility in design and construction
-locate new street surface and improvements within the right-of-way to avoid significant obstacles
-provide curvature of travelled surface, through street stripping and some design, in order to create a residential street environment and to control vehicle speed

II. PROJECT ALTERNATIVES:

ALTERNATIVE "A" and "B"

Both these alternatives have similar roadway sections. The only difference is that Alternative B includes a bike lane and Alternative A does not. Both alternatives include curbs, gutters, sidewalks and enclosed storm drainage systems on both sides of the street. The removal and replacement of the existing pavement is also included in both alternatives.

The costs of alternatives A and B are \$1,300,000 and \$1,370,000 respectively. The life expectancy of both alternatives is 16 to 19 years.

ALTERNATIVE "C"

This alternative includes curbs, gutters, sidewalks and enclosed storm drainage on both sides of the street. The only difference between this alternative and Alternative B is the way in which the pavement issue is addressed. Instead of pavement removal, a three inch asphalt overlay on top of the existing pavement is being proposed. The primary concern with this type of pavement rehabilitation technique is the "reflective cracking". The thermal expansion and movement (shear stress) under asphalt pavement, especially at the slab joint locations. Over time, this force breaks the asphalt pavement and reflects the cement joint location. This pavement failure mode is called "reflective cracking". In order to substantially delay the reflective cracking, a material called "petromat" must be used in between the asphalt and the cement pavements. Staff will be available at the council meeting to answer any questions you may have regarding the application and use of this product. The cost of this alternative is \$1,070,000. The life expectancy is 11 to 14 years with reflective cracks appearing after the 7th or 8th year.

ALTERNATIVE "D"

This alternative proposes to build a three lane roadway section by overlaying and widening the existing pavement. It includes curbs, gutters, and sidewalks on one side of the street. Rolled edge curb will be provided on the other side to control storm drainage. An enclosed storm drainage system will be constructed on both sides of the street.

The cost of this alternative is \$860,000. The life expectancy is 11 to 14 years, with reflective cracks appearing after the 7th or 8th year.

ALTERNATIVE "E"

This alternative proposes to remove and replace the existing Portland Cement concrete pavement with 24' wide asphalt concrete pavement.

The cost of this alternative is \$480,.000 and the life expectancy is 16 to 19 years.

III. FINANCIAL OVERVIEW:

From a funding perspective, we have four options: 1) applying for a "Public Works Trust Fund" low interest loan through DCD (requires a minimum 10% match), 2) bond finance, in addition to current cash, and 3) form a local improvement district (LID), and 4) a combination of the above. In order to be eligible for the trust fund loan, the city must have adopted a five year capital plan for streets, water, sewer, and storm drainage. Although we have a storm drainage plan (prepared in 1987 by URS), the city council has never adopted the plan which would need to be done in order to qualify for the trust fund loan.

If there was interest in pursuing funding through the establishment of an LID, we would need to determine such property within a particular district which is benefiting from this street improvement. It is clear that the benefactors of the Soundview Drive improvements would not just be the residents of Soundview, but would be the entire residential population of the city since this road serves as a major arterial to our city. If an LID was to be considered which would merely encompass the properties abutting Soundview, then it would need to be determined as to what percentage of the cost of the Soundview improvements such property owners would be responsible for paying (10%, 15%, 20%). The most practical alternative is to issue bonds obligating repayment from the general government and street funds. It is an excellent time to bond such projects due to the low interest rate (approximately 6.5% for "A" rated bonds). Following, is an assessment of the cost and financing for option "C":

Project Cost

Construction, design	\$1,070,000
Less 1991 budgeted expense (design)	<65,000>
	1,005,000

Financing

Cash: \$105,000 - 1992 budget

Amount Financed: \$935,000

Term of Financing: 15 years

Debt Service Schedule:

<u>Principal</u>	<u>Coupon Rate</u>	<u>Interest</u>	<u>Total Debt Service</u>
40,000	6.5%	60,775	100,775
40,000	6.5%	58,175	98,175
40,000	6.5%	55,575	95,575
50,000	6.5%	52,975	102,975
50,000	6.5%	49,725	99,725
50,000	6.5%	46,475	96,475
60,000	6.5%	42,575	102,640
60,000	6.5%	39,325	98,740
65,000	6.5%	35,425	100,425
70,000	6.5%	31,200	101,200
75,000	6.5%	26,650	101,650
80,000	6.5%	21,775	101,775
85,000	6.5%	16,575	101,575
85,000	6.5%	11,050	96,050
85,000	6.5%	5,525	90,525
<u>935,000</u>			

I have structured the debt service so that the total annual debt payments would not exceed \$103,000, which appears to be an amount we can handle after examining our revenue base and traditional expenditures. We traditionally (over the last few years) have managed about \$150,000 of "discretionary" funds for capital projects (such as street construction work). Unless our revenue base should expand faster (such as annexation of commercial areas like the Westside Business District) than our expenditures in the foreseeable future, however, we will be hard pressed to pursue other significant street construction or other capital construction projects in the near future. In other words, this project to reconstruct Soundview is a major long-term financial commitment to the city.



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GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MICHAEL WILSON, CITY ADMINISTRATOR
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR
RE: SOUNDVIEW DRIVE IMPROVEMENTS
DATE: APRIL 19, 1991

BBY

As directed by the Council, we held a public meeting on March 28, 1991 to discuss various alternative improvements to Soundview Drive. The citizens recommended we build three lane roadway sections with combinations of parking and landscaping islands and curbs, gutters and sidewalk along with a bicycle lane on one side of the street. Partial street lighting and undergrounding utility lines were also recommended. There was not a consensus regarding whether or not curbs, gutters and sidewalk should be built on both sides of the street.

Some citizens suggested that we completely remove the existing pavement and replace it with asphalt concrete pavement, rather than overlaying the existing pavement.

With the input received from the meeting, we have developed two alternatives for the Council's consideration. As you will see on the attached plan, both alternatives consist of curb, gutter and sidewalk on one side of the street, one 4 foot wide bike lane, two 11 foot travel lanes and one 11 foot two-way left turn lane. The only difference between the two alternatives is the way in which the pavement issue is addressed.

Alternative I proposed a partial removal of the existing pavement and a three inch thick asphalt overlay on top of the good pavement. The bad concrete slabs that are either "rocking" or cracked so badly that they cannot be rehabilitated, will be removed and replaced with asphalt concrete pavement. The primary concern with this type of pavement rehabilitation technique is the "reflective cracking", which is caused by the shear stresses due to the thermal expansion and contraction of the Portland Cement concrete pavement. In order to substantially delay the reflective cracking, a material called "petromat" must be used in between the asphalt and cement pavements. The staff will be available at the council meeting to answer any questions the Council may have regarding the application of this product.

Mr. Michael Wilson
April 19, 1991
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The cost of building Alternative I is \$1,030,000. The life expectancy, under normal traffic conditions, is 15 to 22 years, with reflective cracks appearing after 8 years.

Alternative II consists of the same geometric section as Alternative I. Instead of partial removal, this alternative proposal is the complete removal and replacement of the existing pavement. The cost of building this alternative is \$1,220,000, and the life expectancy is 18 to 25 years.

The life expectancy of both alternatives can be extended another 10 or 12 years with a 1.5" overlay at the end of the 14th year. The cost of this overlay is approximately \$75,000, (1990 dollars).

The Mayor is concerned that we do not have standards to build this project. I tried to explain to her that we have standards. The construction and design of this project will be done according to the American Public Works Association Standard Plans and Specifications. The Manual on Uniform Traffic Devices, Washington State Department of Transportation Design Manual, Construction Manual and Hydraulic Manual, as well as other standards widely used by other municipalities will also be utilized.

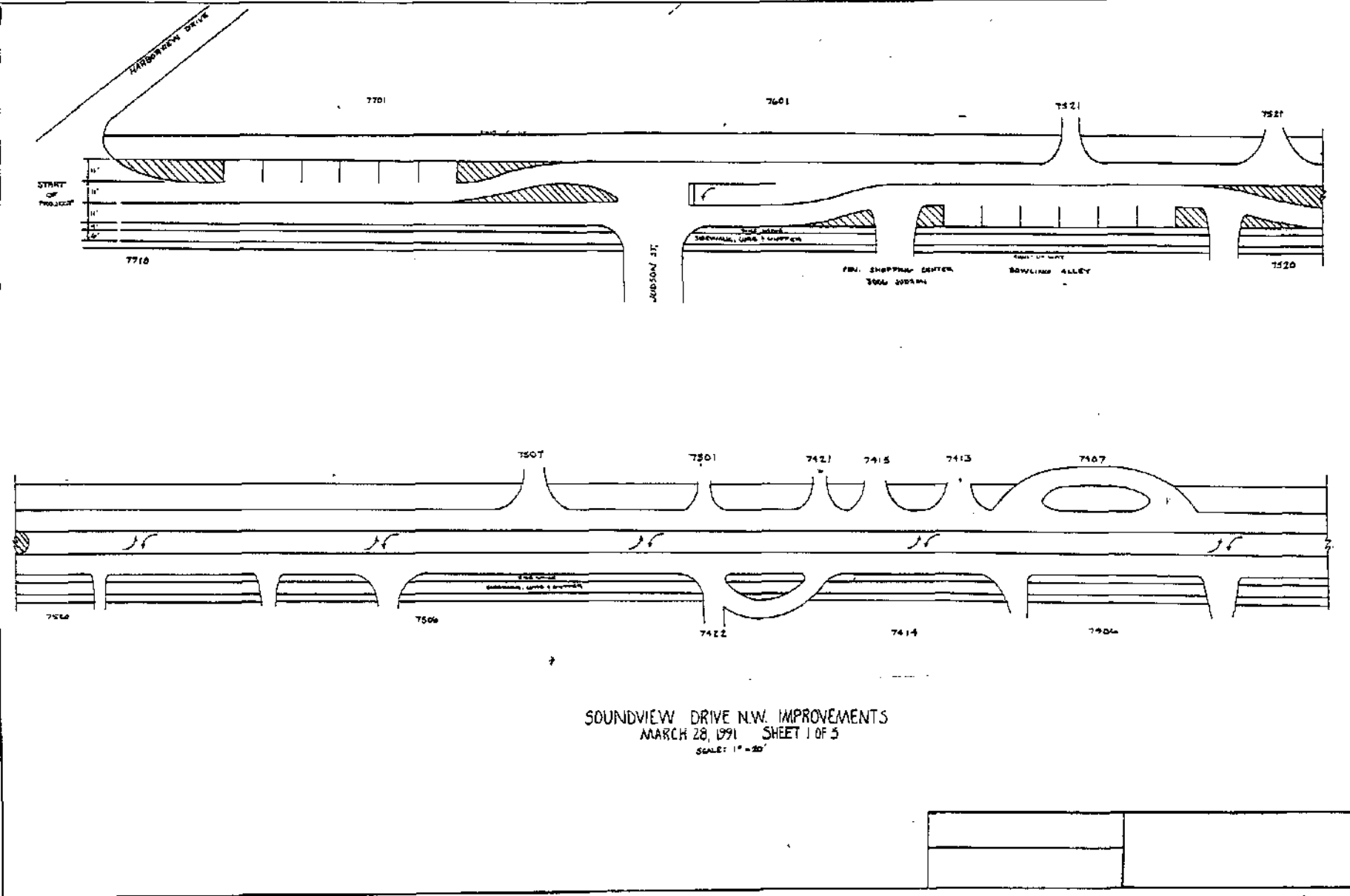
RECOMMENDATION

Both alternatives propose sound engineering techniques to address the deteriorated existing Portland Cement concrete pavement on Soundview Drive. Alternative II has a little longer (3 years) life expectancy and is easier to construct. However, it costs approximately \$200,000 more than Alternative I.

Alternative I produces just as good a result as Alternative II. The construction of it is less disturbing than Alternative II, (i.e. at least not all of the concrete pavement should be broken with 20 - 25 ton hammers and hauled away). I am not convinced that Alternative II produces much better results than Alternative I and cost is one of the major determining factors in the selection of alternatives. I recommend that we select Alternative I as a preferred alternative.

Mr. Michael Wilson
April 19, 1991
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Regardless of which alternative is chosen, I recommend that we either build another curb, gutter and sidewalk on the other side of the street or pave the shoulder, to prevent dirt and gravel from getting into the storm drainage system. The cost of building curb, gutter and sidewalk on the other side of the street is an additional \$75,000 and paving the shoulder is approximately \$15,000.



SOUNDVIEW DRIVE N.W. IMPROVEMENTS
 MARCH 28, 1991 SHEET 1 OF 3
 SCALE: 1" = 20'

OGDEN
MURPHY
WALLACE

ATTORNEYS AT LAW

Seattle Office:
2100 Westlake Center Tower
1801 Fifth Avenue
Seattle, WA 98101-1686

(206) 447-7000
FAX: (206) 447-0215

RECEIVED

APR 2 - 1991

CITY OF GIG HARBOR

John D. Wallace	R. Miller Adams
Douglas E. Albright	Robert T. Dollinger
Lee Corkrum	David A. Ellenhorn
Wayne D. Tannka	Kathleen C. Healy
Robert G. Andrs	Deanne C. Kopke
Michael G. Wickstead	Kent C. Meyer
Robert A. Kless	Elizabeth C.Y. Peng
Steven A. Rejster	Jessica G. Rickard
W. Scott Snyder	Theresa A. Roxzono
Christopher A. Washington	Thomas W. Sexton III
James E. Haney	Gil Sparks
Phillip C. Raymond	
Charles D. Zimmerman	Retired
William F. Joyce	Raymond D. Ogden, Jr.
Carol D. Bernasconi	
Karen Sutherland	
Counsel to the Firm	Of Counsel
John J. O'Donnell	James A. Murphy

March 29, 1991

Mr. Mike Wilson
City Administrator
City of Gig Harbor
P.O. Box 145
Gig Harbor, WA 98335

Re: Condemnation Procedures Anchich Property

Dear Mike:

You have asked for a brief outline of the procedural steps necessary for the City to condemn property for public purposes. I am advised that the City may be using state funds for all or a portion of the purchase price. I am not familiar with what restrictions, if any, are attached to the state funds and therefore careful review of the grant document will be necessary in order to make sure that there are not additional procedures required.

The eminent domain process begins by the passage of an ordinance by the City Council. I enclose an ordinance for your use. There are no public notice or public hearing requirements other than what may ordinarily be required under Gig Harbor's procedures.

After passage of the ordinance the City attorney is then authorized to prepare court pleadings which actually initiate the eminent domain process. A summons and complaint are prepared, filed in court and served on all persons and entities who have an interest in the property. You have advised that a title report of sorts has already been prepared for the subject property. This will need to be updated to make sure that all entities with any interest in the property are properly served.

Unless some of the property owners are located out of state, service can normally be effected within a week or so. Parties normally have 20 days from date of service within which to enter notices of appearance.

Mr. Mike Wilson
March 29, 1991
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Eminent domain procedures are bifurcated into two separate proceedings. The first is called the public use and necessity hearing. This is a hearing to determine whether or not the City has condemned the property for a public purpose. This decision is made by the court without a jury but can be subject to a nonjury trial. Ordinarily however, it is simply done on a motion basis. In this particular case, I understand the property is being condemned for public park purposes which is a perfectly legitimate and well established public purpose. At the conclusion of the hearing and order adjudicating public use and necessity is entered. I would estimate that this order could be obtained between 30 and 60 days after commencement of the eminent domain proceedings.

The second phase of the eminent domain proceeding is the determination of just compensation. The property owner is entitled to have this question determined by a jury, however, it may be waived. This matter is placed on the civil trial calendar for assignment in the regular course of business. In the meantime, the parties engage in discovery and exchange appraisals on the property. I am not currently aware of what the schedule is in Pierce County Superior Court but would imagine that trial would not occur for at least six months prior to the date that the proceedings are commenced.

The City can obtain possession of the property prior to the determination of just compensation. The City must demand immediate use and possession and tender into court the amount of money which it believes constitutes just compensation. The property owner is then able to withdraw this amount of money from court in exchange for giving the City immediate use and possession of the property. The property owner of course does not have to do this. However, if the property owner elects not to do this, then the property owner cannot recover his reasonable attorney's fees as I will explain in the next paragraph.

There are two ways that the City would have to pay the property owner's reasonable attorney's fees and reasonable expert witness fees. First is where the City abandons the eminent domain proceedings once it is filed in court. The City has the absolute right to do this at any time even including after the jury returns a verdict on just compensation. However, if the City does this then the City must pay the property owner his reasonable attorney's fees and reasonable expert witness fees. The second situation is slightly more complicated. The law requires the City to make a written offer of settlement to the property owner at least 30 days in advance of trial. If the City

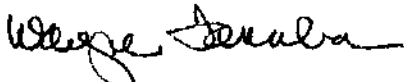
Mr. Mike Wilson
March 29, 1991
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fails to do this or if the jury returns a verdict which is 10% or more over the City's last written offer made at least 30 days prior to trial and if the property owner has agreed to immediate use and possession if requested, then the property owner is entitled to recover reasonable attorney's fees and reasonable expert witness fees from the City. The City can never recover its attorney's fees from the property owner.

The foregoing is but a brief outline of the process for condemning property. If you have any questions on the specifics, please don't hesitate to contact me.

Very truly yours,

OGDEN MURPHY WALLACE



Wayne D. Tanaka

WDT/srh
Enclosure
WDT02506L;0008.055.

Client/Matter No.
WDT/srh
04/01/91

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY AND/OR CERTAIN EASEMENTS OVER, ALONG, UNDER AND ACROSS CERTAIN PROPERTY FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING A PUBLIC PARK, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED WORK NECESSARY TO MAKE A COMPLETE IMPROVEMENT IN ACCORDANCE WITH APPLICABLE CITY STANDARDS ALL WITHIN THE CITY OF GIG HARBOR, PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY NECESSARY THEREFORE; DIRECTING THE ATTORNEY FOR THE CITY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATIONS.

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

Section 1. The public health, safety, and necessity and convenience demand that a public park be constructed and maintained within the City of Gig Harbor and that certain property and/or easements upon property be condemned, appropriated, taken and damaged for the construction of said improvements as provided by this ordinance.

Section 2. The City Council of the City of Gig Harbor hereby declares that the property and/or easements hereinafter set forth are necessary for public use.

Section 3. The property and/or easements within the City of Gig Harbor, Pierce County, Washington, which have been designated on Exhibit A attached hereto and incorporated herein

by this reference as if set forth in full, shall be, and the same are hereby condemned, appropriated, taken and damaged for the purposes of constructing a public park together with all necessary appurtenances and related work to make a complete improvement in accordance with the City standards all within the City limits, said land and easements being taken, damaged and appropriated subject to the marking or paying of just compensation to the owners thereof in the manner provided by law.

Section 4. The City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take and appropriate the property rights necessary to carry out the provisions of this ordinance, and is further authorized in conducting said condemnation proceedings and for the purpose of minimizing damages, to stipulate as to the use of the property hereby authorized to be condemned and appropriated and as to the reservation of any right of use to the owner, provided that such reservation does not interfere with the use of said property by the City as provided in this ordinance. The Attorney for the City is further authorized to adjust the location and/or width of any of the property and/or easements herein described in order to minimize damages, provided that said adjustments do not interfere with the use of said property by the City as provided in this ordinance.

Section 5. This ordinance shall be effective five (5) days after passage and publication of an approved summary consisting of the title to this ordinance.

PASSED by the City Council of the City of Gig Harbor
this ____ day of _____, 1991.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MICHAEL WILSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

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



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MICHAEL R. WILSON, CITY ADMINISTRATOR *Wilson*
RE: TRUCK TRAFFIC AND COMPRESSION BRAKES ORDINANCES
DATE: APRIL 18, 1991

As requested by Mayor Wilbert, I have prepared the attached truck traffic ordinance and compression brake ordinance. These two ordinances were drafted without benefit of any particular technical (law enforcement or traffic engineering) input, but was merely developed from ordinances/codes of other cities.

CITY OF GIG HARBOR

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
REGULATING TRUCK TRAFFIC ON CITY STREETS.

WHEREAS, it is the intent of the City Council of the City of Gig Harbor to promote efficient movement of vehicles while preserving the integrity of the residential areas of the city; and

WHEREAS, it is a priority of the city to preserve the structural integrity of city streets and reduce noise and other detrimental effects in neighborhoods caused by heavy truck travel on city streets;

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

Section 1. A new chapter 10.18 is hereby added to the Gig Harbor Municipal Code, to read as follows:

10.18.010 Truck defined -- Exceptions. For purposes of this chapter, a "truck" is defined as any motor vehicle having more than two axles; provided, that the restrictions contained in this chapter shall not apply to the following motor vehicles which may have more than two axles: recreational vehicles, municipal emergency vehicles, municipal service vehicles, and buses.

10.18.020 Operation of certain vehicles on city arterial and residential streets. No person shall operate a ~~vehicle~~^{truck} or combination of ~~vehicles~~^{trucks} and trailers, exceeding ten thousand (10,000) pounds gross licensed weight, except authorized buses and solid waste disposal vehicles, on any arterial and residential street; provided, that this section does not prohibit operation of such vehicles on such streets when necessary to travel to or from destinations within the city, or to or from destinations within one-half mile of the city limits of the city of Gig Harbor.

10.18.030 Probable cause requiring weighing of vehicle. If probable cause exists to believe that a

violation of this chapter has or is occurring, then any duly commissioned police officer may require the driver of said vehicle to proceed to the nearest available weigh scales for the purpose of weighing said vehicle.

10.18.040 Penalty for violations. The owner or lessee, and the driver of any truck which violates any provision of this chapter shall each be civilly liable for an infraction and shall be assessed a monetary penalty not to exceed two hundred fifty dollars (\$250.00).

Section 2. The Director of Public Works of the City of Gig Harbor is hereby authorized and directed to erect signs at appropriate locations advising the public and users of city streets of this chapter and such restrictions.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the council held this _____ day of _____, 1991.

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 4/18/91
Passed by city council:
Date published:
Date effective:

CITY OF GIG HARBOR

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROHIBITING THE USE OF COMPRESSION BRAKES IN THE CITY EXCEPT IN EMERGENCIES; PROVIDING PENALTIES THEREFOR; AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO POST APPROPRIATE SIGNS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gig Harbor finds that the use of motor vehicle brakes that are activated or operated by the compression of the engine of a motor vehicle disturbs and disrupts the public peace and quiet and, therefore, finds that it would be in the best interests of the public health, safety, and general welfare to prohibit the use of such brakes except in emergency situations,

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

Section 1. A new chapter 10.14 is hereby added to the Gig Harbor Municipal Code, to read as follows:

10.14 Miscellaneous Traffic Provisions

10.14.010 Compression Brakes Prohibited. No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that said compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.

10.14.020 Penalty for violations. Any person violating any of the provisions of this chapter shall be civilly liable for an infraction and shall be assessed a monetary penalty not to exceed two hundred fifty dollars (\$250.00).

Section 2. The Director of Public Works is authorized and directed to post appropriate signs consistent with the provisions of this ordinance.

Ordinance No. _____
Prohibiting Compression Brakes
Page 2

Section 3. This ordinance shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the council held on this _____ day of _____, 1991.

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 4/17/91
Passed by city council:
Date published:
Date effective:




City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: Mayor Wilbert and City Council

FROM:  Ray Gilmore

SUBJ.: Hearing Examiner Recommendation -- Harbor Place
Marina (SDP 90-02/SPR 90-05), Robert Carlson and
Lorne Bentley.

DATE: April 17, 1991

Attached for your review and consideration is the report and recommendation of the City Hearing Examiner for the approval of a shoreline permit and site plan for the addition of eight moorage slips and parking for four vehicles at the Harbor Place Marina. The Hearing Examiner has recommended approval, subject to eight conditions.

The subject application was initially considered by the Hearing Examiner in May of last year, but a decision was not rendered until a parking agreement between the condominium owner (Anderson) and marina owners was entered into. The Examiner's decision was subject to a request for reconsideration by the property owners to the southeast (Puratic), which served as the basis for an additional condition. The Examiner's supplemental report on the reconsideration is also attached for your review.

CITY OF GIG HARBOR

RESOLUTION NO. _____

WHEREAS, Mr. Robert Carlson and Lorne Bentley (Harbor Place Marina) have requested a shoreline management substantial development permit (SDP 90-02) and site plan approval (SPR 90-05) to construct and install additional moorage for eight small craft, including additional parking for 4 vehicles, on-site; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance No.489 which establishes guidelines for the review of site plans and other land use issues; and,

WHEREAS, the Planning Director has recommended conditional approval of the project in a report issued May 9, 1990; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on May 16, 1990; and,

WHEREAS, the Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval in a report issued March 18, 1991 and in a supplemental report of April 9, 1991.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his reports of March 18, 1991 and April 9, 1991, are hereby adopted and the shoreline substantial development permit SDP 90-02 and site plan SPR 90-05 are approved, subject to the following conditions:

- 1) A storm drainage plan for the four additional parking stalls shall be prepared by the applicant or his agent and submitted to the Department of Public Works for review. Upon approval of the plan, required improvements must be installed before the issuance of the building permit for the additional moorage float.

Resolution No.
SDP 90-02

- 2) The construction of the parking area shall precede the construction and installation of the moorage float. A building permit for the floats shall not be issued until required off-street parking is installed.
- 3) Fire flow must be extended onto the new floats and a fire department connection at the pierhead, in accordance with appendix II-C of the 1988 Uniform Fire Code; fireflow must conform to 1974 ISO guide and a fireflow test will be required; fire equipment access nuts be reviewed per the Gig Harbor Fire Marshal and Pierce County Fire District No. 5; verification will be required for minimum parking stall size and maintenance of a 24 foot-wide driveway between the stalls.
- 4) No moorage of any vessel or craft is permitted at the outer end of the moorage float. No vessel or craft is permitted to extend waterward of the outer harbor line.
- 5) Vessels or craft exceeding forty-five (45) feet in length shall not be permitted to berth at the additional four moorage spaces on the northwest side of the facility.
- 6) The four additional moorage spaces on the southeast side of the facility shall not exceed thirty (30) in length and any vessel or craft exceeding thirty-two (32) feet shall not be permitted to berth on that side of the facility.
- 7) In respect to the request for reconsideration requested by adjacent property owners Puratich, Exhibit B, shall be revised to eliminate any possibility of boats tying up to any slip where a boat would extend more than two feet beyond the end of the thirty-foot slips on the southeast side of the marina, or more than two feet beyond the end of the 45 foot slips on the northwest side of the marina.
- 8) As no provisions have been made to provide waste discharge facilities at the marina, and in order to minimize any potential for increased waste discharge into receiving waters at this facility,