

GIG HARBOR CITY COUNCIL MEETING

JULY 22, 1991

7:00 p.m., City Hall Council Chambers

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING  
JULY 22, 1991

PUBLIC COMMENT/DISCUSSION:

*Clifford,*

CALL TO ORDER:

PUBLIC HEARINGS:

1. Annexation 91-02: Higgins (Rosedale Street).

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. Puget Sound Council of Governments - letter from Barbara Skinner.

MAYOR'S REPORT:

1. Public Safety Committee - council appointments.

*\* Finance Committee*

OLD BUSINESS:

1. Limited Tax General Obligation Bonds (1991) Ordinance - Soundview Drive.
2. Jeff Edwards annexation/sewer service request.
3. Bogue Building improvements. - Bids for Paint (Inside & Out) + Carpet.
4. Trolley - request for funds.

NEW BUSINESS:

1. Request to revise Shoreline Permit #87-02: Steve Luengen/Peninsula Yacht Basin.
2. Appeal of Hearing Examiner's Decision - Variance 91-11 (Bennatts).
3. Puget Sound Regional Council - Bill Mahan.
4. Ordinance amending Title 17 to Restrict Commercial use of Public Land and Structures - 1st reading.
5. 1991-92 Liability/Property Insurance proposal.
6. Confirmation of appointment of small cities representative to Pierce County Health Board.
7. Liquor license renewals.

DEPARTMENT MANAGERS' REPORTS:

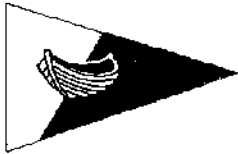
ANNOUNCEMENT OF OTHER MEETINGS: None scheduled.

APPROVAL OF BILLS:

Warrants #7488 through #7542 in the amount of \$ 114,488.52.

EXECUTIVE SESSION: None scheduled.

ADJOURN:



*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, PLANNING DIRECTOR  
SUBJECT ANNEXATION 91-02 PATRICIA RAINWATER, WILLIAM  
HIGGINS  
DATE: JULY 19, 1991

Attached for your consideration is a resolution for the approval of the annexation of five (5) acres of land south of Rosedale Street. A petition bearing the signatures of the owners of 100% of the assessed valuation in the annexation are is included.

The area would be designated R-1 (single family), residential under the city zoning code. Upon completion of the review by the Pierce County Boundary Review Board, an ordinance for adoption of the annexation will be introduced for council approval.

CITY OF GIG HARBOR

RESOLUTION NO. ---

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR ACCEPTING THE ANNEXATION PETITION FOR THE AREA KNOWN AS THE HIGGINS ANNEXATION AND AS SUBMITTED BY PETITIONERS PATRICIA RAINWATER AND WILLIAM HIGGINS, AND ENTERS AN INTENT TO APPROVE AND REFERRING THE PETITION TO THE PIERCE COUNTY BOUNDARY REVIEW BOARD.

WHEREAS, on the 15th day of February, 1991, a petition for annexation was submitted for the property lying west of the City limits, south of Rosedale Street; and,

WHEREAS, the petition and legal description of the subject property are attached as Exhibit "A" to this resolution and made a part hereto; and,

WHEREAS, such annexation proposal is within the Urban Area Boundary as defined in the Urban Area Agreement of September, 1987, between Pierce County and the City of Gig Harbor; and,

WHEREAS, such annexation proposal is within the future potential annexation area as defined by the City of Gig Harbor; and

WHEREAS, on the 25th of February, 1991, the City Council met with the initiating party during regular session of the Council; and,

WHEREAS, at that time the Council set forth the requirements placed on the petitioner wishing to annex as follows:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness;
2. The area shall be zoned as single family residential (R-1), subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code.

WHEREAS, on July 15, 1991, a determination of non-significance was issued for the proposal, based upon a review of the environmental documents submitted by the petitioner, in accordance with the City of Gig Harbor

Resolution Accepting Annexation Petition W. Higgins  
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Resolution #

Environmental Policy Ordinance, Title 18 of the Gig Harbor  
Municipal Code;; and,

WHEREAS, at the public hearing of July 22nd., 1991, the City  
Council does hereby declare its intent to authorize and  
approve said annexation, and to accept same as a part of the  
City of Gig Harbor; and,

WHEREAS, the City Council shall comply with the procedural  
requirements of RCW 35A.14 to the conclusion of this  
annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF GIG HARBOR:

Section 1. The City Council of the City of Gig Harbor does  
hereby declare its intent to authorize and approve the  
annexation and to accept the subject property as part of the  
City of Gig Harbor with the following requirements:

1. The area shall be zoned single family residential  
(R-1) and will be designated as lying within the  
Height Overlay District.
2. The property owners within the annexed area shall  
assume a pro-rata share of the City's bonded  
indebtedness.

Section 2. The City Clerk of the City of Gig Harbor hereby  
declares the annexation petition contiguous with the  
boundaries of the City of Gig Harbor and said property which  
is more particularly described in the petition which is  
marked Exhibit "A" and which is made a part hereto. The  
City Council does refer the petition and petitioner to the  
Pierce County Boundary Review Board for approval of the  
annexation and the City Council shall not take any further  
action on the annexation proposal until such time the Pierce  
County Boundary Review Board has completed its review of the  
notice of intent to annex.

Resolution Accepting Annexation Petition W. Higgins  
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Resolution #

PASSED AND APPROVED, at the regularly scheduled City Council  
meeting on the 22nd day of July, 1991.

---

Gretchen Wilbert, Mayor

ATTEST:

---

Michael R. Wilson  
City Administrator/Clerk

Filed with City Clerk: 7/2/91  
Passed by City Council:

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THE WEST HALF ( $\frac{1}{2}$ ) OF THE NORTHEAST QUARTER ( $\frac{1}{4}$ ) OF THE NORTHWEST QUARTER ( $\frac{1}{4}$ ) OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN.

PETITION FOR ANNEXATION TO THE  
CITY OF GIG HARBOR, WASHINGTON

TO: Honorable Mayor and City Council  
City of Gig Harbor  
3501 Judson Street  
Gig Harbor, WA 98335

WE, the undersigned, being of not less than sixty percent (60%) in value (according to the assessed valuation for general taxation) of the real property described on Exhibit "A", attached thereto, lying contiguous to the City of Gig Harbor, Washington (an optional municipal code city), do hereby petition that such territory be annexed to and made a part of the City of Gig Harbor under the provisions of RCW 35A.14.120, et seq., and any amendments thereto, of the State of Washington.

The territory proposed to be annexed is within Pierce County, Washington, and is described on Exhibit "A", attached hereto.

WHEREFORE, the undersigned respectively petition the City Council of the City of Gig Harbor and ask:

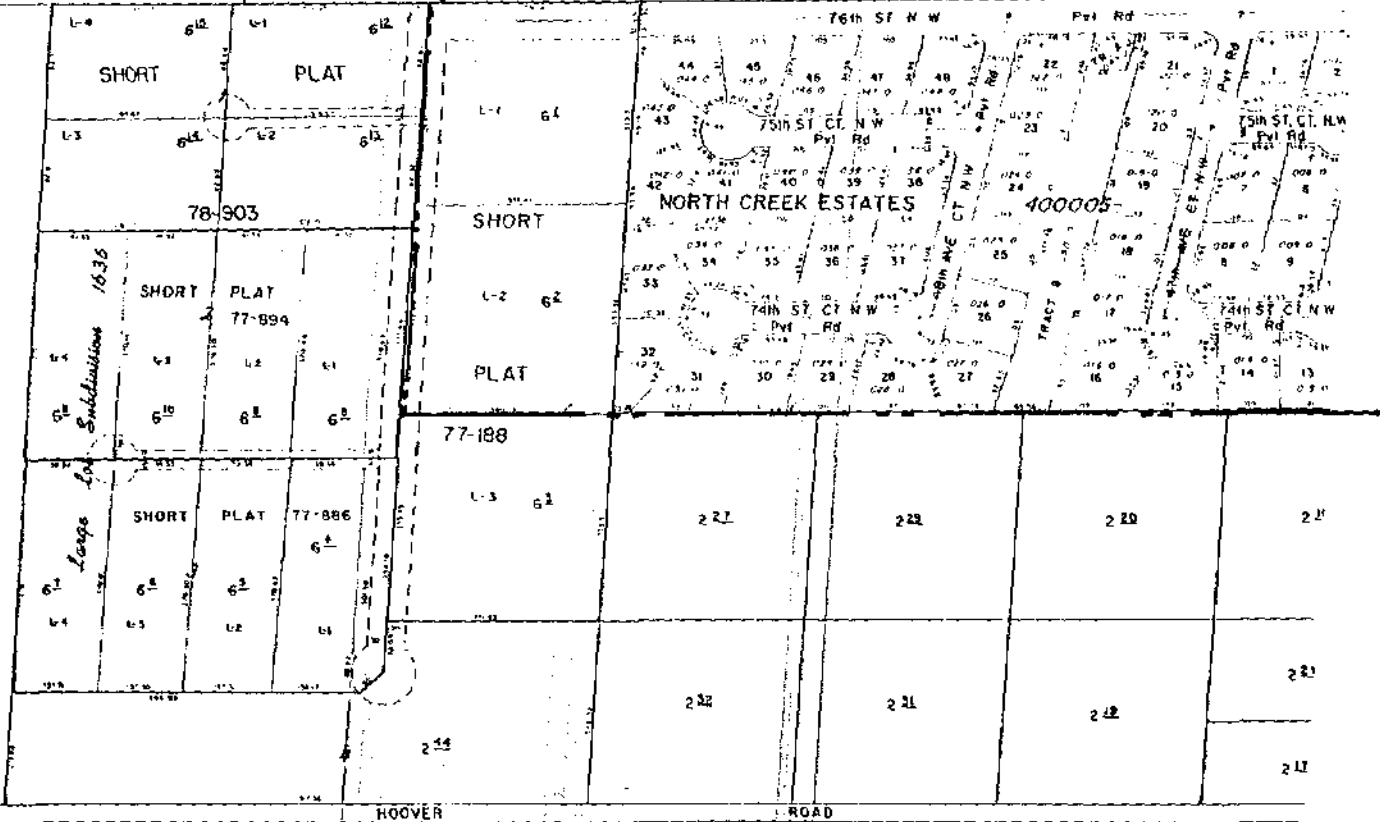
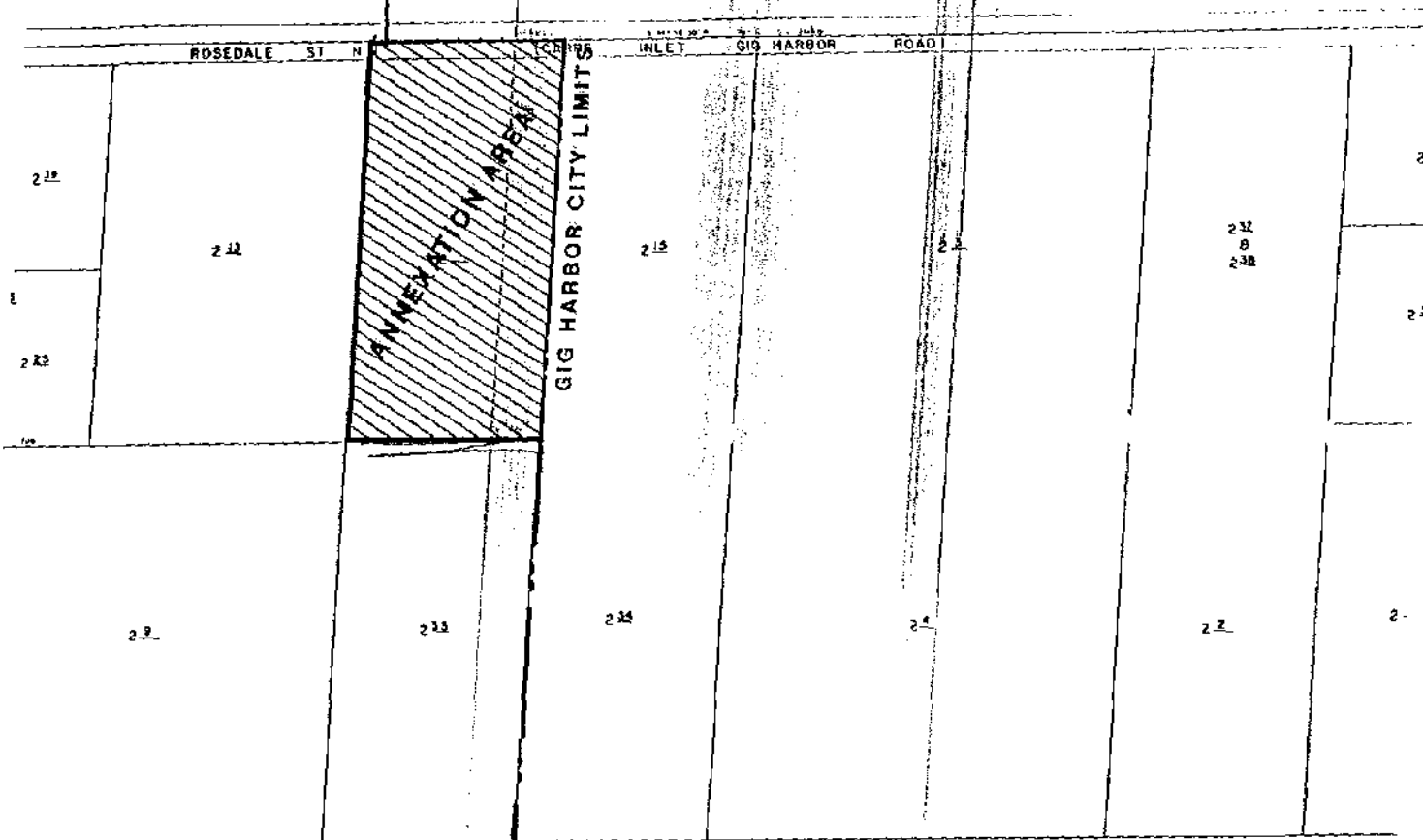
(a) That appropriate action be taken to entertain this petition, fixing a date for a public hearing, causing notice to be published and posted, specifying the time and place of such a hearing, and inviting all persons interested to appear and voice approval or disapproval of such annexation; and

(b) That following such hearing, and subsequent to approval by the Pierce County Boundary Review Board if such is convened, the City Council determine by ordinance that such annexation be effective; and that property so annexed shall become a part of the City of Gig Harbor, Washington, subject to its laws and ordinance then and thereafter in force.

The Petitioners subscribing hereto agree that all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as property within the City of Gig Harbor for any now outstanding indebtedness of said City, including assessments or taxes in payment of any bonds issued or debts contracted, prior to existing at the date of annexation, and that simultaneous adoption of proposed zoning regulations be required, in accordance with the requirements of the City of Gig Harbor City Council. It is further understood that the proposed zoning of said area proposed for annexation as described in the City of Gig Harbor Comprehensive adopted pursuant to Ordinance 496 of the City of Gig Harbor, and as







NW 7 T 21 N R 2  
 ROAD 3 SCHOOL 401 FPO 1

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JULY 8, 1991

PRESENT: Councilmembers Frisbie, Davis, English, Perrow,  
and Mayor Wilbert.

ABSENT: Councilmember Hoppen.

PUBLIC COMMENT/DISCUSSION:

1. Jim Boge expressed frustration over temporary signs.

CALL TO ORDER: 7:31 p.m.

PUBLIC HEARING:

1. Annexation ANX 91-03: Randall Drive.  
Planning Director Ray Gilmore presented the annexation  
proposal.

Hugh Magnuson, applicant, was available to speak with  
council.

Ray Anderson spoke in favor of the proposed annexation.

MOTION: To approve Resolution #318 accepting the  
annexation petition.  
Frisbie/Davis - unanimously approved.

MINUTES:

MOTION: To approve the minutes of the meeting of June  
24, 1991.  
English/Davis - unanimously approved.

MOTION: To approve the minutes of the special meeting  
of June 29, 1991.  
English/Davis - unanimously approved.

APPOINTMENT OF CIVIL SERVICE COMMISSION BOARD MEMBER:

The mayor recommended Jerry Crutchfield fill the seat  
vacated by the resignation of Homer Sweeney.

MOTION: To appoint Jerry Crutchfield to the Civil  
Service Commission for a six-year term ending  
in June, 1997.  
Davis/English - unanimously approved.

CORRESPONDENCE:

1. Jazz Festival.  
The mayor announced the plans of the Jazz Festival to  
be held at Celebrations meadow in August.

MAYOR'S REPORT:

1. Gig Harbor Business Association - Trolley.  
The mayor reported that a trolley to provide transportation from North Harborview to Olympic Village has been obtained by the Business Association.

Andrea Liles, Lloydette Roberts, and Harry Johnson were in attendance at the meeting to discuss the trolley.

OLD BUSINESS:

1. Notice of Intent to Annex: Gig Harbor North, and extension of sewer utilities.  
Planning Director Ray Gilmore explained the proposal and request for extension of sewer utilities.

MOTION: To accept the 10% petition.  
Frisbie/Davis - unanimously approved.

MOTION: To authorize the mayor to enter in to a utility extension contract for 28,000 gpd for a three year commitment.  
Frisbie/Davis -

MOTION: To table this issue until after discussion of the Peninsula School District sewer utility extension agreement.  
English/Perrow - unanimously approved.

2. Sewer utility extension agreement: Peninsula School District.  
City Administrator Mike Wilson provided an overview of the agreement for the extension of sewer services to the school district.

Public Works Director Ben Yazici explained the specifics of the proposed extension.

Dr. John Armenia, Assistant Superintendent of Schools, spoke in favor of the project.

Tom Semon, project engineer, was available to answer questions.

MOTION: To approve the agreement with the Peninsula School District with the addition of the clause similar to the one for the Canterwood development which states that if the requested capacity is not used after the first three years, then the school district

will pay the plan depreciation cost in lieu of losing the capacity.  
Davis/English - unanimously approve.

MOTION: To remove the Gig Harbor North sewer extension issue from the table.  
English/Davis - unanimously approved.

MOTION: To authorize the mayor to enter in to a utility extension contract for 28,000 gpd for a three year commitment.  
Frisbie/Davis - unanimously approved.

3. City Attorney/Legal Counsel Ordinance - 2nd reading.  
After discussion, the council modified the wording of the ordinance.

MOTION: To adopt Ordinance #603.  
Frisbie/Davis - unanimously approved.

NEW BUSINESS:

1. Carpet in the Bogue Building - budget modification.

MOTION: To acquire a total budget for improvements necessary for the Bogue building.  
Frisbie/Davis - unanimously approved.

DEPARTMENT MANAGERS' REPORTS:

1. Police.  
Chief Denny Richards provided information on police activities.

PAYROLL:

MOTION: To approve payment of warrants #5873 through #5980 in the amount of \$128,808.52.  
Perrow/English - unanimously approved.

BILLS:

MOTION: To approve payment of warrants #7411 through #7486 in the amount of \$30,486.26.  
Perrow/English - unanimously approved.

EXECUTIVE SESSION:

MOTION: To go into executive session at 9:35 for the purpose of discussing personnel actions related to the state audit report.  
Frisbie/Davis - unanimously approved.

MOTION: To return to regular session.  
Perrow/Davis - unanimously approved.

(Councilmember Hoppen arrived at this time)

Discussion followed on the 1989 audit report with Finance Officer Connie Leonard and City Administrator Mike Wilson providing information on the audit. Councilmembers Frisbie and Hoppen to accompany Mayor Wilbert to Olympia to discuss the report with Mr. Lee Reaves of the Auditor's office.

ADJOURN:

MOTION: To adjourn at 10:03 p.m.  
Frisbie/Perrow - unanimously approved.

Cassette recorder utilized.  
Tape 239 Side B 030 - end  
Tape 240 Both sides  
Tape 241 Side A 000 - 131.

---

Mayor

RECEIVED

JUN 10 1991

CITY OF GIG HARBOR

**PSCOG**

**PUGET SOUND COUNCIL OF GOVERNMENTS**

Grand Central on the Park 216 First Avenue South Seattle, WA 98104 (206) 464-7090 SCAN 576-7090 FAX (206) 587-4825

June 7, 1991

The Honorable Gretchen Wilbert, Mayor  
City of Gig Harbor  
P. O. Box 145  
Gig Harbor, Washington 98335

*7/9/91*

Dear Mayor Wilbert:

This letter is written to keep you informed regarding recent actions of the Puget Sound Council of Governments' Executive Board. I realize it is lengthy but I hope you will bear with me in this effort at communicating my understanding of where we stand at this time.

In my letter of May 9, to PSCOG members, I explained the actions taken by the Executive Board at its April 25th meeting. These were: direction to the Program, Budget, Personnel Committee (PBP) to prepare a six-month work program/budget covering the period July 1 through December 31, 1991; direction to the PBP to recommend an interim executive director to succeed Curt Smelser; and rescission of the 90-day termination notice to PSCOG staff. At our meeting on May 23, the Executive Board adopted a July-December work program/budget based upon the federal grant application submitted on May 10, 1991, and appointed Jerry Dinndorf, Director of the PSCOG Subregional Services Division, to serve as the interim executive director.

Based upon comments received since my May 9th letter, remarks in a recent letter from the King County Suburban Cities Association, and discussions at the May 23rd Executive Board meeting, it is apparent that there is considerable confusion about the April 25th action of the Board.

As stated in my letter of May 9, 1991, the Board is hopeful that problems identified by some jurisdictions with the interlocal agreement to establish the new organization can be resolved quickly. As President of the PSCOG and a member of the Regional Organizing Committee, I am personally committed to resolving the remaining issues and am working with Mayor Norm Rice to that end. By the first part of July the Organizing Committee will have had two more meetings. The Executive Board action taken on April 25th should not in any way delay the efforts of the Organizing Committee to forge agreement on forming the new agency.

When it became apparent that not enough jurisdictions had approved the interlocal agreement to form the new organization by May 1, the target date for local approvals, the Executive Board took immediate action. This action was necessary in order to ensure the existence of a functioning Metropolitan Planning Organization (MPO) for King, Kitsap, Pierce, and Snohomish counties come July 1, should in fact the Organizing Committee be unable to reach agreement. If agreement is reached before July 1 the PSCOG would dissolve as called for in Assembly Resolution No. A-90-02. If agreement is reached some time between July 1 and December 31, 1991, the PSCOG would sunset as rapidly as possible.

Page Two  
June 7, 1991

Failure to have an operating MPO in place on July 1 would have serious consequences for the region. For example, since January of this year the PSCOG has processed 40 Transportation Improvement Program (TIP) amendments from 23 different jurisdictions involving more than \$38 million in federal funds. Without an operating MPO with a budget and staff, such amendments desired by local jurisdictions could not take place. Also, in order to remain in compliance with the federal Clean Air Act Amendments of 1990, an accelerated schedule for preparation of the 1992 TIP will begin this month. Failure to meet an early completion date for the TIP will result in significant delays and potential loss of federal dollars for transportation projects proposed for 1992. The TIP preparation process is extremely important to the region. The TIP, and the regional plan, are what make transportation improvement projects eligible for federal funding (more than \$250 million was programmed in 1991). In a meeting Vice President Brian Corcoran and I had with the federal funding agency officials, they made clear to us the importance of not having a gap in the MPO process.

Finally, the PSCOG is in the midst of important work, some involving contractual obligations to various agencies, that must not be interrupted. Among the more significant work is the Flight Plan project being jointly conducted with the Port of Seattle to arrive at a regional airport capacity solution; distribution of 1990 Census data; preparation of new regional forecasts; and county and subcounty distribution of population and employment forecasts based upon the 1990 Census results and state Department of Employment Security data.

For those of you who are not familiar with the more detailed operations of the PSCOG, I think that these examples help illustrate the level of concerns the Board had when it made its decision on April 25 to extend the operation of the PSCOG up to six months from June 30.

Resolution A-90-02 does authorize the Executive Committee, among other functions, to maintain the PSCOG as the MPO until termination of the agency. In making its decision, I believe the Board operated in a prudent and diligent manner consistent with Resolution A-90-02 on behalf of all the jurisdictions within the region.

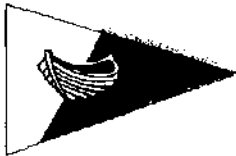
I hope this explanation responds to some of your concerns. I would be glad to speak with any member about current developments. I know that all of us are anxious to see the formation of the new regional agency. Working together we can achieve that goal soon.

Sincerely,



Councilmember Barbara Skinner, Pierce County  
President, Puget Sound Council of Governments





City of Gig Harbor. The "Maritime" City."

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GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

TO: CITY COUNCILMEMBERS  
MICHAEL WILSON, CITY ADMINISTRATOR  
FROM: GRETCHEN WILBERT, MAYOR *GW*  
RE: PUBLIC SAFETY COMMITTEE  
DATE: JULY 19, 1991

#### Council Committee Reports

Having become a student of the statute recognizing the importance of the wisdom and guidance to be gained by the mayor, administrator, and department heads by including the councilmembers in the pre-planning of policy to come before the council, I'm requesting we re-activate the regular meetings of council committees.

I hereby request monthly meetings be arranged with the mayor, administrator, and department heads. Report opportunities shall be made a regular part of the council agenda at the first council meeting of each month.

Finance Committee -- Councilmembers Sammie Davis, John English

The Finance Committee shall review the 1989 audit findings to assure the findings have all been resolved as satisfactory by the state auditor in preparation for entering into the 1990 audit process.

Public Works Committee -- Councilmembers Wade Perrow, Bob Frisbie

The Public Works Committee shall meet to address policy regarding unlawful trespass causing thousands of dollars in damage to the city.

Public Safety Committee

Action is requested to appoint two council members to the safety and health committee established by Resolution #269, January 22, 1990.

Action is requested to amend the City of Gig Harbor Health and Safety Resolution #269 to include two (2) city councilmembers as regular members of the committee, and to insert the word "public" in the first line of the resolution following the word a and preceding the word safety.

Action requested to add "f" to #5 as follows:

- f. Issues may be presented for discussion by any member of the committee.

Gretchen -  
For your information

CITY OF GIG HARBOR

RESOLUTION NO. 269

*Riddle*

A Resolution establishing a safety committee for the City of Gig Harbor.

WHEREAS, in accordance with WAC 296-24-045, all employers of eleven or more employees are required to have a safety and health committee composed of employer-selected or elected employees.

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

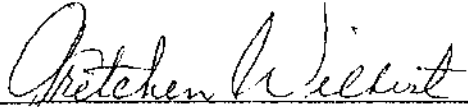
- 1) A safety and health committee composed of the following members shall hereby be created:
  - a) City Administrator
  - b) Public Works Director
  - c) Police Chief
- 2) The safety committee shall have an elected chairperson.
- 3) The safety committee shall be responsible for determining the frequency of committee meetings; however, the committee shall meet at least once a year.
  - a) The committee shall be responsible for determining the date, hour, and location of the meeting.
  - b) The length of each meeting shall not exceed one hour, except by committee majority vote.
- 4) Minutes of each committee meeting shall be prepared and filed for a period of at least one year.
- 5) The safety committee meetings shall address the following:
  - a) Review of safety and health inspection reports to assist in correction of identified unsafe conditions/practices.
  - b) Evaluation of accident investigations conducted since the last meeting to determine if the cause of the acts/conditions involved was properly identified and corrected.
  - c) Evaluation of the accident and illness prevention program with a discussion of recommendations for improvement where indicated.
  - d) Meeting attendance shall be documented.
  - e) Subjects discussed at the meeting shall be documented.

*2 council members - added*


*f. Issues may be presented for discussion by any member of the committee.*

Safety and Health Resolution  
Page Two

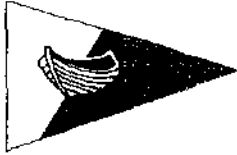
Adopted by the City Council of the City of Gig Harbor,  
Washington, and approved by its Mayor this 22nd day of  
January, 1990.

  
\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 1/19/90  
Passed by city council: 1/22/90



City of Gig Harbor. The "Maritime" City."

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GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL  
FROM: MICHAEL R. WILSON, CITY ADMINISTRATOR  
SUBJECT: LIMITED TAX GENERAL OBLIGATION BONDS -  
SOUNDVIEW DRIVE  
DATE: JULY 19, 1991

*in fee*

Please find attached the bond ordinance which sets forth the issuance and sale of the limited tax general obligation bonds in the amount of \$900,000 for funding the Soundview Drive road improvements.

Rick Thomas, Vice President of Security Pacific Securities, will be in attendance at the City Council meeting Monday evening to discuss the success of the sale of the bonds which occurred this week and to address conditions of the bond transaction.

PRESTON  
THORGRIMSON  
SHIDLER  
GATES & ELLIS

ATTORNEYS AT LAW

5400 Columbia Center  
701 Fifth Avenue  
Seattle, WA 98104-7078

Telephone: (206) 623-7580  
Facsimile: (206) 623-7022

July \_\_, 1991

City of Gig Harbor  
Gig Harbor, Washington

Security Pacific Securities, Inc.  
Seattle, Washington

Re: City of Gig Harbor, Washington, Limited Tax General  
Obligation Bonds, 1991

Gentlemen:

We have examined a certified transcript of all of the proceedings taken in the matter of the issuance by the City of Gig Harbor, Washington (the "City") of its Limited Tax General Obligation Bonds, 1991, in the aggregate principal amount of \$900,000 (the "Bonds"), issued pursuant to Ordinance No. \_\_\_ of the City Council (the "Bond Ordinance") for the purpose of providing funds to pay costs of certain road improvements.

We have also examined one of the authenticated Bonds of this issue and have found the same to have been executed in the manner required by law.

The Bonds are dated July 1, 1991, are fully registered, are in the denomination of \$5,000 each or any integral multiple of \$5,000, provided no Bond shall represent more than one maturity, bear interest at the following per annum rates, payable on the first day of June 1992, and semiannually thereafter on the first days of each December and June and mature on December 1 of the following years in the following principal amounts:

<u>Maturity Years</u> <u>(December 1)</u>	<u>Principal</u> <u>Amounts</u>	<u>Interest</u> <u>Rates</u>
1992	\$ 40,000	%
1993	40,000	
1994	40,000	
1995	45,000	
1996	50,000	
1997	50,000	
1998	55,000	
1999	55,000	
2000	60,000	
2001	65,000	
2002	70,000	
2003	75,000	
2004	80,000	
2005	85,000	
2006	90,000	

The Bonds maturing on and after December 1, 1999 are subject to optional redemption on and after December 1, 1998 in whole on any date or in part in inverse order of maturity on any interest payment date and, if in part, by lot (as determined by the bond registrar) at a price of par plus accrued interest to the date of redemption.

We have not been engaged nor have we undertaken to review the accuracy, completeness or sufficiency of the official statement or other offering material relating to the Bonds (except to the extent, if any, stated in the official statement), and we express no opinion relating thereto.

From such examination it is our opinion that the Bonds have been legally issued and constitute valid general obligations of the City, except to the extent that the enforcement of the rights and remedies of the owners of the Bonds may be limited by laws relating to bankruptcy, reorganization or other similar laws of general application affecting the rights of creditors. Both principal of and interest on the Bonds are payable out of annual levies of ad valorem taxes to be made upon all of the taxable property within the City within and as a part of the tax levy permitted to cities without a vote of the electors in amounts which, together with other available funds, will be sufficient to pay such principal and interest as the same shall become due.

We are of the opinion that interest on the Bonds is excluded from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended

City of Gig Harbor  
Security Pacific Securities, Inc.  
July \_\_, 1991  
Page 3

(the "Code"). We are also of the opinion that the Bonds are not private activity bonds. The City has designated the Bonds as "qualified tax-exempt obligations" for investment by financial institutions pursuant to Section 265(b) of the Code.

We are further of the opinion that interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals, but is taken into account in the computation of the corporate alternative minimum tax under Section 55 of the Code and in the computation of the environmental tax on corporations under Section 59A of the Code. We express no opinion regarding any other federal tax consequences arising with respect to ownership of the Bonds.

Very truly yours,

PRESTON THORCRIMSON  
SHIDLER GATES & ELLIS

By  
Cynthia M. Weed

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## SECURITY PACIFIC SECURITIES

July 5, 1991

Post Office Box 3966, T19-1  
Seattle, Washington 98124-3966

Mr. Mike Wilson  
City of Gig Harbor  
3105 Judson Street  
P. O. Box 145  
Gig Harbor, Washington 98335

Dear Mike:

Pursuant to our recent discussions, I have enclosed a sample debt service schedule for your consideration. Estimated costs are as follows:

Underwriting (1.50%)	\$13,500
Bond Counsel	3,000
Bond Printing	1,000
Miscellaneous	<u>300</u>
	\$17,800

I assume these costs will be funded through bond proceeds, leaving the City with estimated net proceeds of \$882,200.

As you know, the interest rates shown on the attached schedule reflect the market as of July 3, 1991, and will probably change slightly when we actually price the bonds the week of July 15. I am planning at this time to present a purchase offer for the Bonds at the July 22 council meeting, at which time the bond ordinance will also be adopted.

I will send you and Cynthia a copy of the official statement as soon as I receive the information we discussed. Please review the OS and get back to me with any comments as soon as possible.

Best regards,

Rick Thomas  
Vice President

RT:sf

cc: Cynthia Weed



CITY OF GIG HARBOR  
LIMITED TAX GENERAL OBLIGATION BONDS, 1991  
SCALE AS OF 7/03/91

=====

DEBT SERVICE SCHEDULE

=====

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
6/ 1/92			50,731.25	50,731.25	
12/ 1/92	40,000.00	5.250000	30,438.75	70,438.75	121,170.00
6/ 1/93			29,388.75	29,388.75	
12/ 1/93	40,000.00	5.500000	29,388.75	69,388.75	98,777.50
6/ 1/94			28,288.75	28,288.75	
12/ 1/94	40,000.00	5.750000	28,288.75	68,288.75	96,577.50
6/ 1/95			27,138.75	27,138.75	
12/ 1/95	45,000.00	6.000000	27,138.75	72,138.75	99,277.50
6/ 1/96			25,788.75	25,788.75	
12/ 1/96	50,000.00	6.250000	25,788.75	75,788.75	101,577.50
6/ 1/97			24,226.25	24,226.25	
12/ 1/97	50,000.00	6.400000	24,226.25	74,226.25	98,452.50
6/ 1/98			22,626.25	22,626.25	
12/ 1/98	55,000.00	6.600000	22,626.25	77,626.25	100,252.50
6/ 1/99			20,811.25	20,811.25	
12/ 1/99	55,000.00	6.750000	20,811.25	75,811.25	96,622.50
6/ 1/ 0			18,955.00	18,955.00	
12/ 1/ 0	60,000.00	6.850000	18,955.00	78,955.00	97,910.00
6/ 1/ 1			16,900.00	16,900.00	
12/ 1/ 1	65,000.00	7.000000	16,900.00	81,900.00	98,800.00
6/ 1/ 2			14,625.00	14,625.00	
12/ 1/ 2	70,000.00	7.100000	14,625.00	84,625.00	99,250.00
6/ 1/ 3			12,140.00	12,140.00	
12/ 1/ 3	75,000.00	7.200000	12,140.00	87,140.00	99,280.00
6/ 1/ 4			9,440.00	9,440.00	
12/ 1/ 4	80,000.00	7.300000	9,440.00	89,440.00	98,880.00
6/ 1/ 5			6,520.00	6,520.00	
12/ 1/ 5	85,000.00	7.400000	6,520.00	91,520.00	98,040.00
6/ 1/ 6			3,375.00	3,375.00	
12/ 1/ 6	90,000.00	7.500000	3,375.00	93,375.00	96,750.00
	900,000.00		601,617.50	1,501,617.50	
ACCRUED					
	900,000.00		601,617.50	1,501,617.50	

Dated 8/ 1/91 with Delivery of 8/ 1/91  
Bond Years 8,535.000  
Average Coupon 7.048828  
Average Life 9.483333  
N I C % 7.207001 % Using 98.500000

Prepared by Security Pacific Securities, Inc.

RUNDATE: 06-27-1991 @ 09:07:57 FILENAME: GIG KEY: LTGO

CITY OF GIG HARBOR, WASHINGTON

LIMITED TAX GENERAL OBLIGATION BONDS, 1991

---

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE of the City Council of the City of Gig Harbor, Washington, providing for the issuance and sale of general obligation bonds of the city in the aggregate principal amount of \$900,000, for the purpose of providing funds to pay part of the costs of road improvements; providing the date, form, terms and maturities of said bonds and for limited tax levies to pay the principal thereof and interest thereon; authorizing a preliminary official statement; and approving the sale of such bonds.

Approved: July 22, 1991

Prepared by:

PRESTON THORGRIMSON SHIDLER GATES & ELLIS

Seattle, Washington

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\* This table of contents is not a part of this ordinance; it is included for convenience of the reader only.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE of the City Council of the City of Gig Harbor, Washington, providing for the issuance and sale of general obligation bonds of the city in the aggregate principal amount of \$900,000, for the purpose of providing funds to pay part of the costs of road improvements; providing the date, form, terms and maturities of said bonds and for limited tax levies to pay the principal thereof and interest thereon; authorizing a preliminary official statement; and approving the sale of such bonds.

WHEREAS, the City of Gig Harbor, Washington (the "City") has determined that Soundview Drive is in need of certain improvements to the road surface, the costs of which are in excess of immediately available funds; and

WHEREAS, the City is authorized to issue and sell its general obligation bonds for such purposes without a vote of the electors upon approval of the Council within statutory limitations; and

WHEREAS, the City has received the offer of Security Pacific Securities, Inc., Seattle, Washington to purchase said bonds in the aggregate principal amount of \$900,000;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DOES ORDAIN, as follows:

Section 1. Definitions. As used in this ordinance, the following words shall have the following meanings:

"Bond Fund" means the special fund of the City designated as the Fund No. 207 - 1991 General Obligation Bond Redemption Fund.

"Bond Registrar" means the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York,

for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying interest on and principal of the Bonds.

"Bonds" means the \$900,000 of the City of Gig Harbor, Washington, Limited Tax General Obligation Bonds, 1991, issued pursuant to this ordinance.

"City" means the City of Gig Harbor, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Washington.

"Code" means the federal Internal Revenue Code of 1986, as amended from time to time, and the applicable regulations thereunder.

"Council" means the duly constituted City Council as the general legislative authority of the City.

"City Treasurer" means the City Treasurer of the City, or any successor to the functions of the City Treasurer.

"Government Obligations" means those obligations now or hereafter defined as such in chapter 39.53 RCW; provided that such obligations are indirect obligations or guaranteed by the United States Government or an agency or instrumentality thereof.

"Project Fund" means the special fund of the City established in the office of the City Treasurer, designated as Fund No. 108 - 1991 General Obligation Bond Fund, into which fund the proceeds of the Bonds shall be deposited.

Section 2. Authorization of Project. The City hereby authorizes the undertaking of improvements to Soundview Drive within the City, including repaving, sidewalks, landscaping, addition of a bicycle lane, parking and turning lanes (the "Project"). The total cost of the Project, including costs of issuance of the Bonds hereinafter authorized, is estimated to be \$975,000, of which \$97,500 is expected to be paid from funds on hand in the City. The remaining costs shall be paid from the proceeds of the Bonds herein authorized.

Section 3. Authorization of Bonds. The City shall now issue and sell \$900,000 of bonds required to pay the cost of the Project (the "Bonds"). The Bonds shall be designated "City of Gig Harbor, Washington, Limited Tax General Obligation Bonds, 1991," shall be dated as of July 1, 1991, shall be fully registered as to both principal and interest, shall be in the denomination of \$5,000 each, or any integral multiple thereof, provided no Bond shall represent more than one maturity, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date at the following per annum rates, payable on June 1, 1992, and semiannually thereafter on the first days of each succeeding December and June and shall mature on December 1 of the following years in the following principal amounts:

<u>Maturity Years</u> <u>(December 1)</u>	<u>Principal</u> <u>Amounts</u>	<u>Interest</u> <u>Rates</u>
1992	\$ 40,000	%
1993	40,000	
1994	40,000	
1995	45,000	
1996	50,000	
1997	50,000	
1998	55,000	
1999	55,000	
2000	60,000	
2001	65,000	
2002	70,000	
2003	75,000	
2004	80,000	
2005	85,000	
2006	90,000	

The Bonds shall be in registered form as to both principal and interest. The Bond Registrar shall maintain the Bond Register. Such Bond Register shall contain the name and mailing address of the owner of each Bond or nominee of such owner and the principal amount and number of Bonds held by each owner or nominee.

Upon surrender thereof to the Bond Registrar, the Bonds are interchangeable for Bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Such exchange or transfer shall be without cost to the owner or transferee.

Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid by check or draft mailed (on the date such interest is due) to the registered owners or assigns at the

addresses appearing on the Bond Register as of the 15th day of the month preceding the interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds by the registered owners at the principal offices of either of the fiscal agencies of the State of Washington in the cities of Seattle, Washington, or New York, New York, at the option of such owners.

Section 4. Redemption Prior to Maturity and Purchase of Bonds.

(a) Optional Redemption. The Bonds maturing on and prior to December 1, 1998 shall not be subject to redemption in advance of scheduled maturity. The Bonds maturing on and after December 1, 1999 shall be subject to redemption at the option of the City on and after December 1, 1998, in whole at any time or in part in inverse order of maturity on any interest payment date and, if in part, by lot (or in such random manner as the Bond Registrar shall determine), at a price of par plus accrued interest to the date of redemption.

(b) Selection of Bonds for Redemption. Upon any redemption of Bonds, portions of the principal amount of such Bonds, in installments of \$5,000 or any integral multiple of \$5,000, may be redeemed. If less than all of the principal amount of any Bond is redeemed, upon surrender of such Bond at the principal office of the Bond Registrar there shall be issued to the registered owner, without charge therefor, for the then unredeemed balance of the



principal amount thereof, a new Bond or Bonds, at the option of the registered owner, of like maturity and interest rate in any denomination authorized by this ordinance.

(c) Purchase of Bonds on Open Market. The City also reserves the right to purchase any of the Bonds in the open market at any time at a price determined to be reasonable by the City Treasurer.

Section 5. Notice of Redemption. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

- (a) the redemption date,
- (b) the redemption price,
- (c) if fewer than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
- (d) that on the redemption date the redemption price will become due and payable upon each such Bond or portion

thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(e) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Bond Registrar.

On or prior to any redemption date, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be cancelled and destroyed by the Bond Registrar and shall not be reissued.

In addition to the foregoing notice, further notice shall be given by the City as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

(1) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bonds being redeemed.

(2) Each further notice of redemption may be sent at least 35 days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depositories now being The Depository Trust Company of New York, New York, Midwest Securities Trust Company of Chicago, Illinois, Pacific Securities Depository Trust Company of San Francisco, California and Philadelphia Depository Trust Company of Philadelphia, Pennsylvania) and shall be sent to one or more national information services that disseminate notices of redemption of obligations such as

the Bonds (such as Moody's Investors Service and Standard & Poor's Corporation at their respective offices in New York, New York) and to Security Pacific Securities, Inc.

(3) Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

The foregoing notice provisions of this Section 5, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 6. Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. \_\_\_\_\_ \$ \_\_\_\_\_

STATE OF WASHINGTON

CITY OF GIG HARBOR

LIMITED TAX GENERAL OBLIGATION BOND, 1991

INTEREST RATE:           %       MATURITY DATE:                    CUSIP NO.:

Registered Owner:

Principal Amount:

THE CITY OF GIG HARBOR, WASHINGTON (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from July 1, 1991, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on June 1, 1992, and semiannually thereafter on the first days of each succeeding December and June. Both principal of and interest on this bond are payable in lawful money of the United States of America. Interest shall be paid by mailing a check or draft (on the date such interest is due) to the Registered Owner or assigns at the address shown on the Bond Register as of the 15th day of the month prior to the interest payment date. Principal shall be paid to the Registered Owner or assigns upon presentation and surrender of this bond at the principal office of the fiscal agencies of the State of Washington in either Seattle, Washington or New York, New York (collectively the "Bond Registrar").

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and Ordinance No. \_\_\_ duly passed by the City Council on July 22, 1991 (the "Bond Ordinance").

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar or its duly designated agent.

Reference is hereby made to additional provisions of this bond set forth on the reverse side hereof and such additional provisions shall for all purposes have the same effect as if set forth in this space.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Gig Harbor, Washington has caused this bond to be executed by the manual or facsimile signatures of the Mayor and Clerk of the City and the seal of the City imprinted or impressed hereon as of this first day of July, 1991.

CITY OF GIG HARBOR, WASHINGTON

By  /s/ manual or facsimile  
Mayor

ATTEST:

/s/ manual or facsimile  
Clerk

[SEAL]

\*\*\*\*\*

ADDITIONAL PROVISIONS

This bond is one of an authorized issue of bonds of like date, tenor, rate of interest and date of maturity, except as to number and amount in the aggregate principal amount of \$900,000, and is issued pursuant to the Bond Ordinance for certain improvements to roads within the City.

The bonds of this issue maturing on or after December 1, 1999 are subject to redemption on and after December 1, 1998 in whole at any time and in part in inverse order of maturity on any interest payment date and, if in part, by lot within a maturity, in increments of \$5,000, with the manner of selection to be as chosen by the Bond Registrar), at a price of par plus accrued interest to the date of redemption.

Notice of any such intended redemption as provided above shall be given no fewer than 30 nor more than 60 days prior to said redemption date by first class mail, postage prepaid, to the Registered Owner of any bond to be redeemed at the address appearing on the Bond Register. The requirements of the Bond Ordinance shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of any bond. Interest on any bond so called for redemption shall cease on such redemption date unless the same is not paid in full upon presentation made pursuant to such call.

Portions of the principal sum of this bond in installments of \$5,000 or any integral multiple thereof may also be redeemed in accordance with the provisions set forth above, and if less than all of the principal sum hereof is to be redeemed, upon the surrender of this bond at the principal office of the Bond Registrar there shall be issued to the Registered Owner, without

charge therefor, for the then unredeemed balance of the principal sum hereof, at the option of the owner, a bond or bonds of like maturity and interest rate in any of the denominations authorized by the Bond Ordinance.

The bonds of this issue are not "private activity bonds" as such term is defined in the Internal Revenue Code of 1986, as amended (the "Code"). The bonds of this issue are qualified tax-exempt obligations under Section 265(b) of the Code, and banks, thrift institutions and other financial institutions will not be denied a deduction of 100% of their interest and expenses allocable to this bond.

The City hereby irrevocably covenants that it will levy taxes annually upon all the taxable property in the City within the levy limits permitted to cities without a vote of the electors and in amounts sufficient, with other monies legally available therefor, to pay the principal of and interest on the bonds of this issue as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest. The pledge of tax levies may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

Bonds are interchangeable for bonds of any authorized denomination of equal aggregate principal amount and of the same interest rate and maturity upon presentation and surrender to the Bond Registrar.

The Bond Registrar's Certificate of Authentication on the Bonds shall be in substantially the following form:

#### CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Limited Tax General Obligation Bonds, 1991 of the City of Gig Harbor, Washington, dated July 1, 1991.

WASHINGTON STATE FISCAL AGENCY  
as Bond Registrar

By \_\_\_\_\_  
Authorized Signer

The following abbreviations, when used in the inscription on the face of the within bond, shall be construed as though they were written out in full according to applicable laws or regulations.

UNIF GIFTS (TRANSFERS)  
MIN ACT - \_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust) (Minor)

under Uniform Gifts (Transfers) to  
Minors Act

\_\_\_\_\_  
(State)

Additional abbreviations may also be used though not in the list above.

(form of assignment)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER  
OF TRANSFEREE

\_\_\_\_\_/

(Please print or typewrite name and address, including zip code of Transferee)

the within bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ of \_\_\_\_\_, or its successor, as Bond Registrar to transfer said bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: \_\_\_\_\_, \_\_\_\_\_.



NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

SIGNATURE GUARANTEED:

---

Section 7. Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk and the seal of the City impressed or imprinted thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be an officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be

such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons who are at the actual date of delivery of such Bond are the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

Section 8. Bond Registrar. The City hereby adopts the system of registration specified and approved by the Washington State Finance Committee. The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient books for the registration and transfer of the Bonds which shall at all times be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds. The Bond Registrar may become the owner of Bonds with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depositary for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of Bond owners.

Section 9. Application of Bond Proceeds. From the moneys derived from the sale of the Bonds, (a) the accrued interest to

the date of delivery shall be deposited in the Bond Fund and shall be used to pay the interest on the Bonds coming due on June 1, 1992, and (b) the balance of said proceeds shall be deposited in the Project Fund and shall be expended solely to pay the cost of issuing and selling the Bonds and undertaking the Project.

There is hereby authorized to be created in the office of the City Treasurer a special fund of the City to be known as the "Fund No. \_\_\_ - 1991 General Obligation Bond Fund" (the "Project Fund"). At the time of delivery of the Bonds, the proceeds of the Bonds, with the exception of accrued interest to the date of delivery which shall be deposited in the Bond Fund, shall be paid into the Project Fund to be used for the purpose of paying the costs of the Project authorized in Section 2 hereof, including costs necessary and incidental thereto and the costs of issuance of the Bonds, or for the purpose of reimbursing any fund or funds of the City for advances, if any, made to pay such costs. Other money of the City may be deposited in the Project Fund for the purpose of paying costs of the Project. The City Council will amend its current annual budget, if necessary, to include an appropriation for expenditure of funds for the Project. Money on hand in the Project Fund shall be invested as provided by direction of the City Treasurer in legal investments for City funds.

Upon completion of the Project, any remaining money in the Project Fund shall be transferred to the Bond Fund, and the Project Fund shall be closed.

Section 10. Creation of Bond Fund and Provision for Tax Levy Payments. A special fund of the City known as the "Fund No. \_\_\_ - 1991 General Obligation Bond Redemption Fund" (the "Bond Fund") is hereby authorized and directed to be created in the office of the City Treasurer. The Bond Fund shall be drawn upon for the sole purpose of paying the principal of and interest on the Bonds.

The City hereby further irrevocably covenants that, unless the principal of and interest on the Bonds are paid from other sources, it will make annual levies of taxes upon all of the property in the City subject to taxation within and as a part of the tax levy permitted to cities without a vote of the electors in amounts sufficient to pay such principal and interest as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and for the prompt payment of such principal and interest.

Section 11. Defeasance. In the event that money and/or "Government Obligations," as such Obligations are defined in Ch. 39.53 RCW, as now or hereafter amended, maturing at such time or times and bearing interest to be earned thereon in amounts (together with such money, if necessary) sufficient to redeem and retire part or all of the Bonds in accordance with their terms, are set aside in a special account of the City to effect such redemption and retirement, and such moneys and the principal of and interest on such obligations are irrevocably set aside and

pledged for such purpose, then no further payments need be made into the bond redemption fund of the City for the payment of the principal of and interest on the Bonds so provided for, and such Bonds shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the moneys so set aside and pledged, and such Bonds shall be deemed not to be outstanding hereunder.

Section 12. Tax Covenants and Designation.

(a) Covenants Regarding Arbitrage and Private Activity Bonds. The City hereby covenants that it will not make any use of the proceeds of sale of the Bonds or any other funds of the City which may be deemed to be proceeds of such Bonds pursuant to Section 148 of the Code which will cause the Bonds to be "arbitrage bonds" within the meaning of said section and said Regulations. The City will comply with the requirements of Section 148 of the Code (or any successor provision thereof applicable to the Bonds) and the applicable Regulations thereunder throughout the term of the Bonds.

The City further covenants that it will not take any action or permit any action to be taken that would cause the Bonds to constitute "private activity bonds" under Section 141 of the Code.

(b) Bonds Designated "Qualified Tax-Exempt Obligations." The City hereby designates the Bonds as "qualified tax-exempt obligations" for purchase by financial institutions pursuant to Section 265 of the Code. The City does not anticipate that it will

issue more than \$10,000,000 in "qualified tax-exempt obligations" during the year 1991.

Section 13. Sale of Bonds. The Bonds shall be sold by negotiated sale to Security Pacific Securities, Inc., Seattle, Washington, under the terms and conditions thereof as provided in its purchase offer and in this ordinance.

The Mayor and City Administrator of the City are hereby authorized to review and approve on behalf of the City the preliminary and final Official Statements relative to the Bonds with such additions and changes as may be deemed necessary or advisable to them. The proper City officials are hereby authorized and directed to do everything necessary for the prompt execution and delivery of the Bonds to said purchaser and for the proper application and use of the proceeds of sale thereof.

Section 14. Authorization of Temporary Bond. Until the definitive Bonds are prepared, the City may, if deemed necessary by the City Administrator, utilize a temporary Bond which shall be typewritten, and which shall be delivered to the purchaser or purchasers of the Bonds in lieu of definitive Bonds, but subject to the same provisions, limitations and conditions as the definitive Bonds. The temporary Bond shall be dated July 1, 1991, shall be in the denomination of \$900,000, shall be substantially of the tenor of such definitive Bonds, but with such omissions, insertions and variations as may be appropriate to temporary bonds, and shall be signed by the Mayor and the City Clerk.

Upon surrender to the City of the temporary Bond, the City, without charge to the holder, shall execute and deliver to the holder of the temporary Bond, in exchange therefor, definitive Bonds of the same maturities, interest rates, redemption provisions and aggregate principal amount as the temporary Bond, if any, surrendered. Until so exchanged, the temporary Bond shall be in all respects entitled to the same benefit and security as definitive Bonds executed and issued pursuant to this ordinance.

Section 15. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 16. Effective Date. This ordinance shall become effective immediately upon its passage, approval and publication as required by law.

PASSED by the City Council of the City of Gig Harbor, Washington, at a regular meeting thereof held this 22nd day of July, 1991 and APPROVED by the Mayor on the same date.

CITY OF GIG HARBOR, WASHINGTON

---

Mayor

ATTEST:

---

City Clerk



CERTIFICATE

I, the undersigned, Clerk of the City of Gig Harbor, Washington, (the "City") and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. \_\_\_\_\_ of the Council (the "Ordinance"), duly passed at a regular meeting thereof held on the 22nd day of July, 1991.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of July, 1991.

\_\_\_\_\_  
City Clerk



**PAC-TECH** Engineering, Inc.

Engineers / Planners / Surveyors

July 19, 1991  
File #13971

Honorable Mayor and Council Members  
City of Gig Harbor  
P.O. Box 145  
Gig Harbor, WA 98335

Reference: Edwards Sewer Extension

Dear Honorable Mayor and Council Members:

I am writing on behalf of Jeff Edwards concerning his request for outside sewer service for the Grande Bank subdivision. This matter is up for your consideration Monday, July 22nd. The staff has stated that the information requested by Councilman Frisbee has been forwarded to you from Mike Wilson. Mr. Edwards will not be able to attend this meeting, however, I will be there on his behalf.

During the Council's initial consideration of this request in March, Mr. Edwards was asked to look into the potential for annexing the remainder of the Shore Acre area outside of the pending Frick annexation area. Although this item is not up for consideration Monday night, we have received additional information that we believe would be of interest to you. As you know, we have previously submitted a 10 percent annexation petition, which was accepted and initiated the annexation process. Shortly after that, three additional areas were discovered adjacent to the area petitioned by Mr. Edwards that were excluded from the initial consideration. We added them to the area initially considered for annexation. A community meeting had been discussed with the neighborhood, although to date one has not been scheduled. Recent discussions with the staff indicate they would like a re-filing of the 10 percent petition to establish 10 percent of the total area, as opposed to 10 percent of that originally petitioned. The Council can require this or merely expand the area to be considered by Council action. Either is satisfactory to Mr. Edwards.

During this time, several individuals have been circulating a petition opposing annexation and asking that the current effort be terminated. A principal member of this group, Mr. John Stafford, recently presented a petition to Mayor Wilbert and we received a copy of that filing. I have had my staff review the petition to try to determine the percentage of assessed evaluation this would represent. Our figures show that the expanded assessed evaluation of the Shore Acres area would be about \$24,500,000.00 (previously about \$19,500,000.00). Our review of the petitions submitted by Mr. Stafford show that they represent approximately \$12,370,000.00. This represents about 50 percent of the assessed evaluation. This would indicate that it is unlikely that circulation of the 60 percent petition would gather the support necessary to complete the annexation process.

Honorable Mayor and Council Members

July 19, 1991

File #13971

Page 2

In conclusion, the efforts of Mr. Stafford and his group lead us to believe that the annexation of the Shore Acres area is not viable at this time. While we know some people within Shore Acres are interested in both annexation and utility service, the annexation issue, as a result of Mr. Stafford's efforts, will involve a lengthy process. Mr. Edwards can continue to be helpful in the process, but will need help from your staff in the effort. It is our hope that the issue of sewer service can be brought back to the table and resolved so the design of the subdivision improvements can move forward, independent of the annexation issue.

Sincerely,



Geoffrey W. Moore  
Director of Planning

GVM/ms

c: Mr. Jeff Edwards

TOURISM PROMOTION AGREEMENT

THIS AGREEMENT is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 1991, by and between the City of Gig Harbor, a municipal corporation of the State of Washington (hereinafter referred to as "City") and the Gig Harbor Downtown Business Association, a non-profit corporation (hereinafter referred to as "Business Association").

WHEREAS, the City is empowered, in accordance with state law, to expend monies to engage in economic development programs and to promote and encourage tourism in the city; and

WHEREAS, the City has imposed a special excise tax on transient lodging to be utilized for the costs of advertising and publicizing information for attracting visitors and encouraging tourism as provided in RCW 67.28.180; and

WHEREAS, the Business Association is responsible for coordinating business enhancement and economic development in the community, and promoting tourism in the city, NOW, THEREFORE,

In consideration of the mutual benefits and conditions hereinafter contained, it is hereby agreed as follows:

1. The City agrees to contribute one thousand dollars (\$1,000) to the Business Association, in trust, for the purpose of promoting and attracting visitors and tourists to the city by acquiring trolley car services during the summers weekends for transportation of visitors and tourists throughout the city. The City shall make such payment in two installments: \$500 (August 1) and \$500 (~~October~~ <sup>Nov.</sup> 1).
2. The Business Association shall provide the City with an accounting of the expenditure of these monies for the above designated purposes at the end of the calendar year for auditing purposes.

CITY OF GIG HARBOR

BUSINESS ASSOCIATION

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk



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: PLANNING DEPARTMENT  
DATE: JULY 17, 1991

RE: Request For Revision: Shoreline Management Permit  
SDP 87-02 -- Peninsula Yacht Basin - Reconfigure  
Moorage Slips/Reduce Number of Moorage Slips.

Attached for your review and consideration is a request by Peninsula Yacht Basin approved to reconfigure moorage floats, reduce number of moorage slips and amount of covered moorage.

Pursuant to WAC 173-14-064, requests for revisions to shoreline permits may be considered by local government if:

1. No additional over water coverage is involved except that pier, dock or float construction may be increased by 500 square feet or 10 percent of the original permit, whichever is less.
2. The use authorized under the original permit is not changed.
3. No substantial environmental impact will be caused by the project.

The proposal would essentially delete the 20 covered moorage slips immediately adjacent to the pier. They would be replaced by a 210' long floating dock which would provide moorage for approximately twelve boats. The other notable change consists of reconfiguring the 22 - 39' open slips on the northeast area of the marina into eighteen (18), 35' - 80' open slips. All of the newly configured slips would extend to the limit of the DNR lease line.

According to the specification sheet submitted by Stephen Luengen, the total number of slips is reduced from 127 to 99, the total covered area is reduced from 24,625 to 18,500 square feet, and the total lineal feet of dock would increase by six feet. Based upon the number and size of slips proposed, the overall parking allotment would be reduced by seven (7). Peninsula Yacht Basin parking is across North Harborview Drive. Due to the scope and nature of the proposal, site plan review would not be required (Section 17.96.020).

The plan submitted shows the existing configuration to have

several slips within 12 feet of the side property line and all of the reconfigured slips on the northeast side would be within 12 feet. According to Section 17.76.020 (B), (Boat Moorage), of the zoning code, any moorage or wharf on private property must be at least 12 feet from a side property line, in lieu of any agreement among property owners for joint use of common lot lines. The evidence submitted shows that the slips in this location are within the DNR lease lands which consists of public property. Therefore, the 12' setback would not applicable.

Staff recommends approval of the revision, as it is consistent with the criteria for shoreline permit revisions, is consistent under the City Shoreline Master Program and is consistent with the applicable sections of the City Zoning Code.

Attachments:

- 1) Request to Revise
- 2) Moorage Configuration Plans (Existing/Proposed)
- 3) Permit Revision Form

REVISION TO SHORELINE MANAGEMENT DEVELOPMENT PERMIT

No. 87-02

Applicant Peninsula Yacht Basin (Stephen Luengen)

Address 8913 N. Harborview Drive  
GigHarbor WA 98335

Type of Permit:

Substantial Development  XXX  
Variance  
Conditional Use

Nature of Revision:

Reconfigure moorage; reduce number of slips from 127 to 99;  
reduce amount of covered moorage; all per attached plan.

Disposition: Approve  Approve with Conditions   
Deny

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

RECEIVED

May 30. 1991

City of Gig Harbor  
Planning Dept.  
Attn: Mr. Ray Gilmore

Dear Mr. Gilmore,

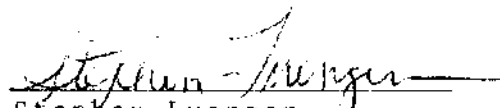
Enclosed are drawings of current and reconfigured moorage for Peninsula Yacht Basin. The following table gives summary information:

	Present	Reconfigured
No. 20'-43' open slips	83	58
No. 44' & above open slips	1	16
No. 25' covered slips	20	0
No. 35' covered "	11	13
No. 45' covered "	12	12
	-----	-----
Total No. slips	127	99
Covered area sq.ft.	24,625	18,500
Lineal ft. dock	4,160	4,166

As you can see, the plan calls for removing the covered moorage closest to the shore. There would be 28 fewer slips overall and under city guidelines 13 fewer parking spaces would be required. Therefore, traffic would be lessened and shoreline views would be enhanced. In addition a newer, updated marina would only improve Gig Harbor and allow me to compete more effectively with other marinas in the 1990's.

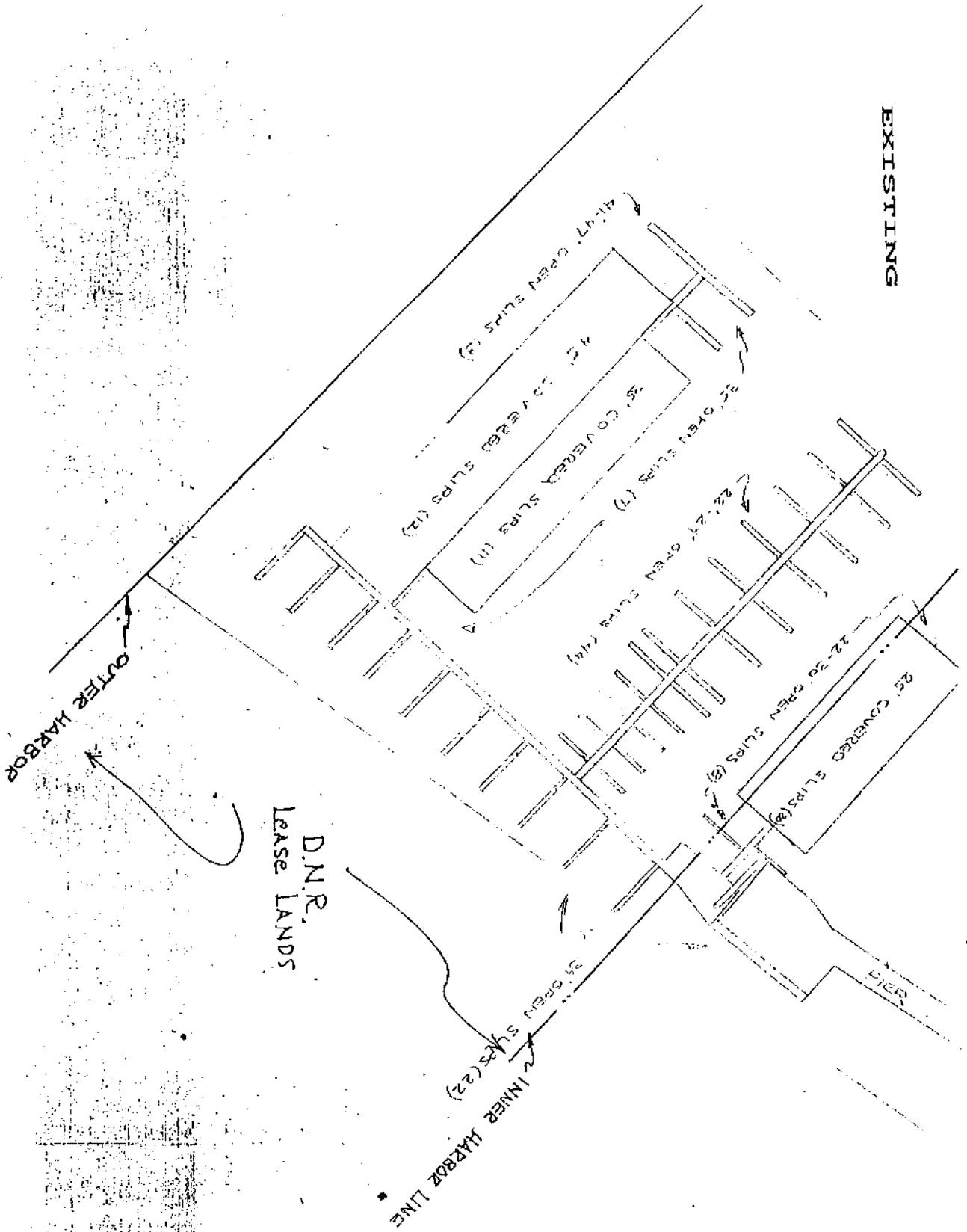
If you have any questions regarding the reconfiguration please don't hesitate to call me.

Very truly yours,

  
Stephen Luengen  
Peninsula Yacht Basin  
8913 N. Harborview DR.  
Gig Harbor, WA 98332  
Tel. (206) 858-2250



EXISTING



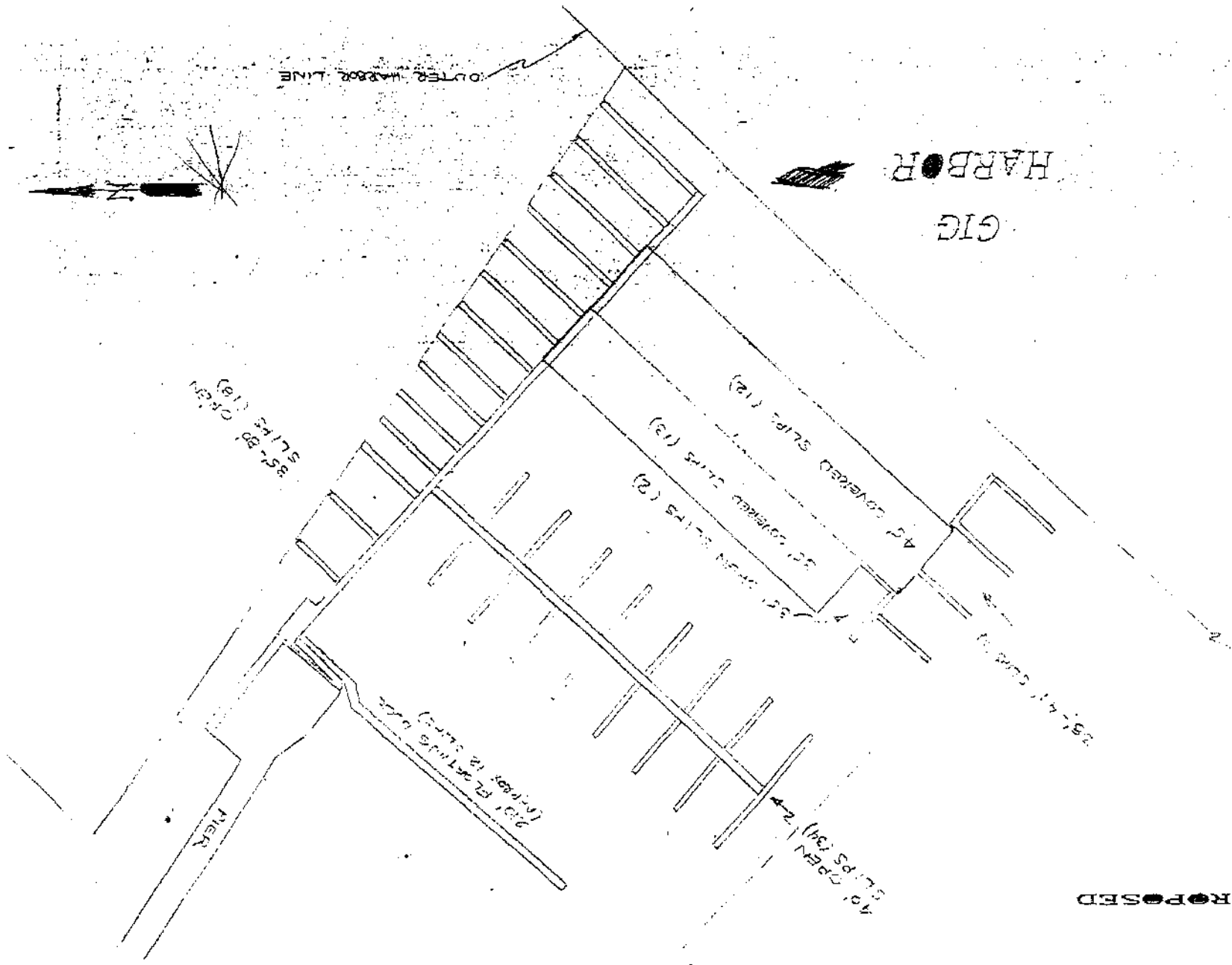
OUTER HARBOR

D.N.R.  
LEASE LANDS

INNER HARBOR LINE

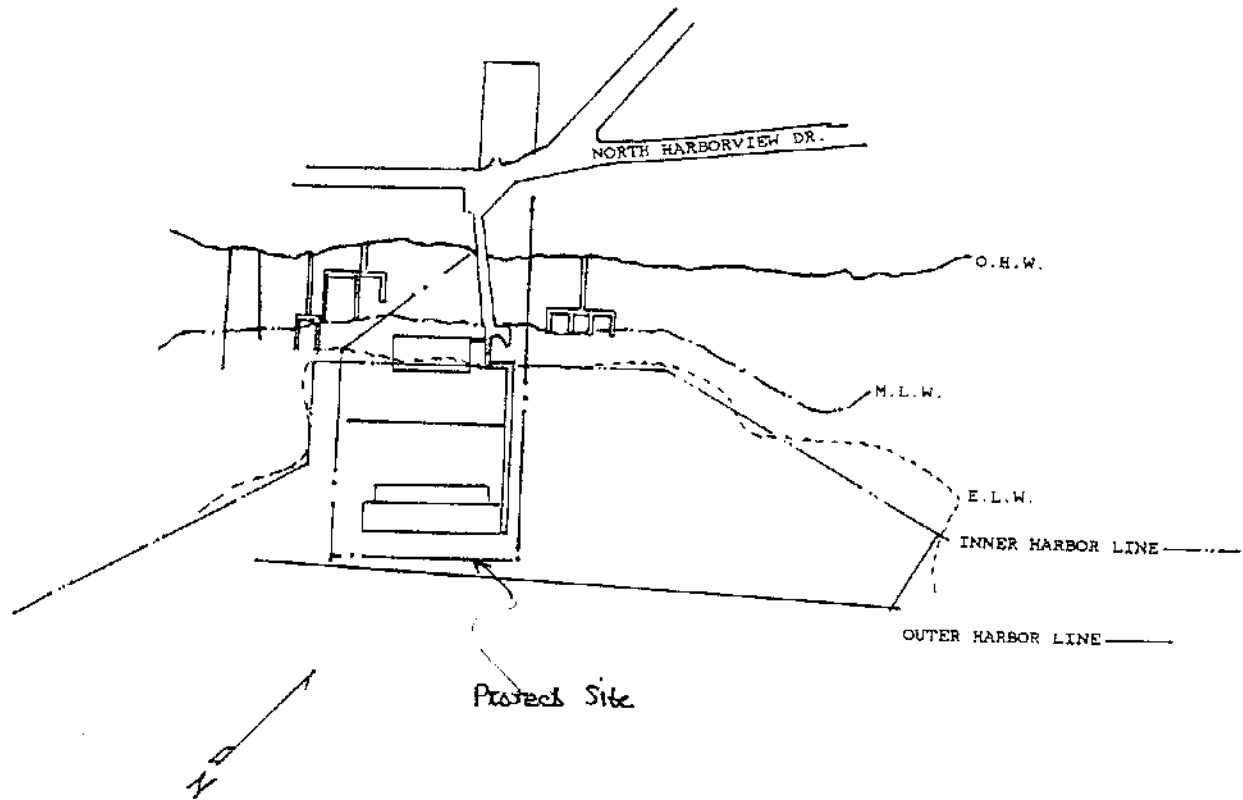
PIER

EXISTING



PENINSULA YACHT BASIN

DNR HARBORLINE CONFIG





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: GIL ALVARADO, PLANNING/BUILDING ASSISTANT *Gil*  
RE: APPEAL OF HEARING EXAMINER DECISION -- VAR 91-11  
(Patty and Gerry Bennatts).  
DATE: July 19, 1991

Patty and Gerry Bennatts have requested approval for a variance to allow for the construction of a carport 25 feet within the front yard setback. The subject proposal would abut the front property line with no front yard setback. The site is located at 3404 Ross Avenue. Staff recommended approval of the variance application in a report dated May 17, 1991.

The Hearing Examiner conducted a public hearing on this proposal June 19, 1991 and, in his report of July 5, 1991, has denied the variance application. A copy of the Examiner's findings, conclusions and recommendations is attached.

The applicant has filed an appeal in writing to the Gig Harbor Planning Department within the time period allotted. A review of the appeal shall be held by the City Council in accordance with the appeal procedures established under Section 17.10.160. A Resolution adopting the Examiner's decision is also included.

Attachments

CITY OF GIG HARBOR  
RESOLUTION No.

WHEREAS, Patty and Gerry Bennatts, have requested approval for a variance to encroach twenty-five feet (25) within the front yard setback, on property located at 3404 Ross Avenue; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of variances and other land use issues; and,

WHEREAS, the Planning Department for the City of Gig Harbor has recommended approval of the variance request, in a staff report dated May 17, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 19, 1991 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has denied the variance request in his report dated July 5, 1991,

WHEREAS, the applicant has requested an appeal of the Hearing Examiner's decision rendered July 5, 1991,

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

That the findings, conclusions and decision of the Hearing Examiner in his report dated July 5, 1991 is hereby [affirmed/rejected] and the variance is [approved/denied] based upon the following findings:

Resolution No.  
Page 2

1.

2.

3.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with City Clerk: 6/20/91  
Passed by City Council: 6/29/91

STAFF REPORT  
ENVIRONMENTAL EVALUATION AND  
REPORT TO THE HEARING EXAMINER

VAR 91-11: Patty and Gerry Bennatts  
May 17, 1991

PART I: GENERAL INFORMATION

- A. **APPLICANT:**  
Patty and Gerry Bennatts  
3404 Ross Avenue  
Gig Harbor, WA 98335
- B. **OWNER:**  
same as above
- C. **AGENT:**  
does not apply
- D. **REQUEST:**  
Variance to allow the construction of a carport twenty-five feet within the front yard setback and six feet within the side yard setback. The zoning code requires a twenty-five foot front yard setback and eight foot side yard setback in zoning district of the proposal.
- E. **PROPERTY DESCRIPTION:**
1. **Location:**  
The project is located on 3404 Ross Avenue, assessor's tax parcel number 597000-057-2, which is within a portion of the SW 1/4 section 5, Township 21, Range 2E.
  2. **Site Area/Acreage:**  
The parcel is 6,000 square feet, or approximately .14 acres. Maximum impervious lot coverage is estimated at 31 percent.
  3. **Physical Characteristics:**  
The property is underlain with Harstine gravelly sandy loam, with slopes ranging from six to fifteen percent.

- F. SURROUNDING LAND-USE/ZONING DESIGNATION:  
North: Single-family residence, zoned R-1.  
East: Single-family residence, zoned R-1.  
South: Single-family residence, zoned R-1.  
West: Single-family residence, zoned R-1.
- G. UTILITIES/ROAD ACCESS:  
This parcel will be accessed off of Ross Avenue. Sewer and water are provided by the City of Gig Harbor, and power by Peninsula Light.
- H. PUBLIC NOTICE:  
Public notice was provided as follows:  
Published in Peninsula Gateway: May 22, 1991  
Mailed to property owners of record within 300 feet of the site: June 12, 1991  
Posted in three conspicuous places in the vicinity of the property: June 12, 1991

## PART II: ANALYSIS

- A. AGENCY REVIEW:
1. Building Official/Fire Marshal  
No adverse comments
  2. Department of Public Works  
No adverse comments
- B. APPLICABLE LAND-USE POLICIES/CODES
1. Comprehensive Plan:  
The area is designated low urban residential, as established under graphic 9, page 24. The proposed use of the site for a single-family residence is consistent with the goals and policies of the Comprehensive Plan.
  2. Zoning Ordinance:  
Section 17.44.020 permits single-family residential uses in an R-1 district. The proposed single-family residence is a permitted use under the zoning code.  
  
Section 17.16.070 requires a twenty-five foot front yard setback and an eight foot side yard setback in an R-1 district.



Section 17.66.020 permits administrative variances for deviations less than twenty percent as allowed under the zoning code. The encroachment exceeds the amount allowable as an administrative variance.

3. Variance Criteria/Applicant's Justification:  
Variances from the minimum standards to the zoning code may be granted if the applicant can successfully demonstrate that all of the following criteria be met:
- A) The proposed variance will not amount to a rezone nor authorize any use not allowed in the district.
  - B) There are special conditions and circumstances applicable to the property such as size, shape, topography or location, not applicable to land in the same district and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district.
  - C) That the special circumstances and conditions do not result from the actions of the applicant.
  - D) The granting of the variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and zone.
  - E) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.
  - F) The hearing examiner shall make a further finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum necessary to make reasonable use of the land.

The applicant's justification, summarized, is as follows:

- A) The request is not for a rezone of the property.

- B) Our views, cars, and landscaping are adversely, affected by where our cars are presently parked. The situation exists or was created by the way the house was adapted to this minimize lot size.
- C) Properties in the vicinity have a variety of variables in respect to setback and garage situation on Ross Avenue/Alley. Where Ross Avenue intersects onto Rosedale Street there is a sign identifying Ross Avenue. Our same Ross Avenue continues past three homes with garages on the street. Two of the homes were built quite recently long after we paved Ross Avenue. The third house owner which fronts on Rosedale built their garage right on the Avenue and was exempt from paying for the paving of Ross Avenue.
- D) The view for the neighbors will be greatly enhanced if we can redo our front yard with covered space for our autos; and landscaping in front of our view windows instead of asphalt. It will help protect our vehicles from so much weather exposure which deteriorates their bodies and hoses so rapidly.

### PART III: FINDINGS AND CONCLUSIONS

Based upon a site inspection and the analysis contained in Part II of this report, staff finds as follows:

- 1) The use is permitted in an R-1 district and does not amount to a rezone.
- 2) The applicant has demonstrated that there are special circumstances applicable to the parcel size. The subject variance proposal is to be located on a legal non-conforming lot which is only 6,000 square feet. Current zoning code standards require that lots be a minimum of 12,000 square feet in an R-1 district. This is not a result of any actions from the applicant.

- 3) In the immediate vicinity of the subject variance, several properties encroach within the front yard setback with garages. The granting of the variance request would not be a grant of special privilege given the limitations imposed on other properties in the vicinity.
- 4) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

PART IV: RECOMMENDATION

Based upon the analysis in Part III of this report, staff recommends approval of variance application 91-11.

Documents pertinent to your review are attached.

Staff report prepared by: Gil Alvarado, Planning Assistant

Date: 5-7-91 GA

CITY OF GIG HARBOR  
HEARING EXAMINER PRO-TEM  
FINDINGS CONCLUSIONS AND DECISION

---

**APPLICANT:** Patty and Gerry Bennatts  
**CASE NO.:** VAR 91-11  
**APPLICATION:** Variance to allow construction of a carport twenty-five feet into the front yard setback and six feet into the side yard setback.

**SUMMARY OF RECOMMENDATION AND DECISION:**

Planning Staff Recommendation:	Approve
Hearing Examiner Pro-tem Decision:	Deny

**PUBLIC HEARING:**

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner Pro-tem conducted a public hearing on the application. The hearing on the application was opened at 5:00 pm, June 19, 1991, in the Council Chambers, at 3105 Judson Street, Gig Harbor, Washington, and closed at 5:10 pm. Participants at the public hearing and the exhibit offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

**FINDINGS CONCLUSIONS AND DECISION:**

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

**I. FINDINGS:**

- A. The information contained on pages 1 through 3 of the Planning's Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a portion of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.
- B. The Applicant indicated that the report presented by the Planning Staff was adequate and did not present additional testimony.
- C. There was no additional testimony offered on the subject application.

- D. Section 17.68.010, "Intent", of Chapter 17.68 of the Gig Harbor Zoning Code entitled "NONCONFORMITIES" states in part "This chapter 17.68 is intended to permit these (i.e. nonconforming conditions in existence upon adoption of the code) to continue until they are removed but **not** to encourage their perpetuation. It is further intended that nonconformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same District." (Emphasis added)
- E. Section 17.68.020 "Nonconforming Lots of Record" of Chapter 17.68 of the City's Zoning Code states in part "permitted principal uses and structures (of record at the time of the effective date of the adoption or amendment of the applicable regulations) and accessory buildings **shall** be erected on such a nonconforming lot so that all dimensional requirements of the zoning ordinance **including minimum yard requirements**, the minimum height of structures and the maximum coverage by all buildings are complied with. (Emphasis added)

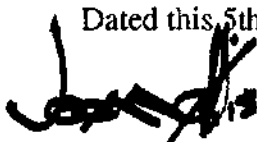
## II. CONCLUSIONS:

- A. Except Subparagraphs 3.B), 3.D), 3.E), and 3.F) of Part II, the staff evaluation prepared by the Planning Staff and set forth on pages 1 thorough 3 of the Planning Staff's Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.
- B. It appears that the need for extending the proposed carport into the front yard setback is the result of converting a pre-existing garage into living space, a condition created by the current or previous owner of the structure.
- C. A carport of sufficient size to cover two vehicle spaces could be constructed so that there would be compliance with the side yard setback and a front yard of at least ten feet. A carport in this configuration would be more in keeping with the Zoning Code and the neighborhood character.
- D. The subject lot does not comply with the criteria for a variance. Granting a variance in the circumstance of the subject application would be in direct conflict with the Zoning Code, Section 17.68.010 and Section 17.68.020.

## III. DECISION:

Based upon the foregoing findings of fact and conclusions, the requested variance is denied.

Dated this 5th day of July, 1991.



Joe Wallis  
Hearing Examiner Pro-tem

**RECONSIDERATION:**

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors of new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

**APPEAL OF EXAMINER'S DECISION:**

Any party who feels aggrieved by the Examiner's decision may submit an appeal in writing to the Gig Harbor Planning Director within fourteen (14) days from the date the final decision of the Examiner is rendered, requesting a review of such decision.

Such appeal shall be upon the record, established and made at the hearing held by the Examiner. Whenever a decision of the Examiner is reviewed by the City Council pursuant to this section, other parties of record may submit written memoranda in support of their position. In addition, the Council shall allow each side no more than fifteen minutes of oral presentation. However, no new evidence or testimony shall be presented to the Council during such oral presentation. The City Council shall accept, modify or reject any findings or conclusions, or remand the decisions of the Examiner for conclusions, or remand the decisions of the Examiner for further hearing; provided that any decision of the City Council shall be based on the record of the hearing conducted by the Examiner; however, the Council may publicly request additional information of the appellant and the Examiner at its discretion.

Upon such written appeal being filed within the time period allotted and upon payment of fees as required, a review shall be held by the City Council. Such review shall be held in accordance with appeal procedures adopted by the City Council by resolution. If the Examiner has recommended approval of the proposal, such recommendation shall be considered by the City Council at the same time as the consideration of the appeal.

Further action by the Examiner shall be within thirty (30) days of the reconsideration request.

**MINUTES OF THE JUNE 19, 1991  
HEARING ON THE BENNATTS  
APPLICATION**

E. Joseph Wallis was the Hearing Examiner Pro-tem for this matter. Participating in the hearing was Gil Alvarado, representing the City of Gig Harbor.

The following exhibit was offered and entered into the record:

A. Planning Staff's Advisory Report.

**PARTIES OF RECORD:**

Patty and Gerry Bennatts  
3404 Ross Avenue  
Gig Harbor, WA 98335

RECEIVED

JUL 16 91

To City of Gig Harbor  
c/o Ray Gilmore

July 15, 1991

Re: *Appeal to City Council for variance*

*Appeal to you*  
We, Gerry and Patty Bennatts, residents, citizens, and homeowners of Gig Harbor since March 1977 respectfully ~~request your reconsideration~~ be given to approve a variance requested in June *you stated*

We ~~have~~ considered the interest of the city and community by designing our carport to afford off street parking for our two cars plus a driveway area leading to the carport which will allow two additional cars to be parked off street when we have visitors.

We feel your suggested relocation for the carport will not enhance the architectural continuity we hope to maintain *or answer the purpose for which it is built.*

We have improved the gutter ditch along Ross Avenue by installing a culvert. We feel that we will improve the area by the appearance of our project.

Please find attached a note of approval with signatures of our immediate neighbors.

Respectfully,

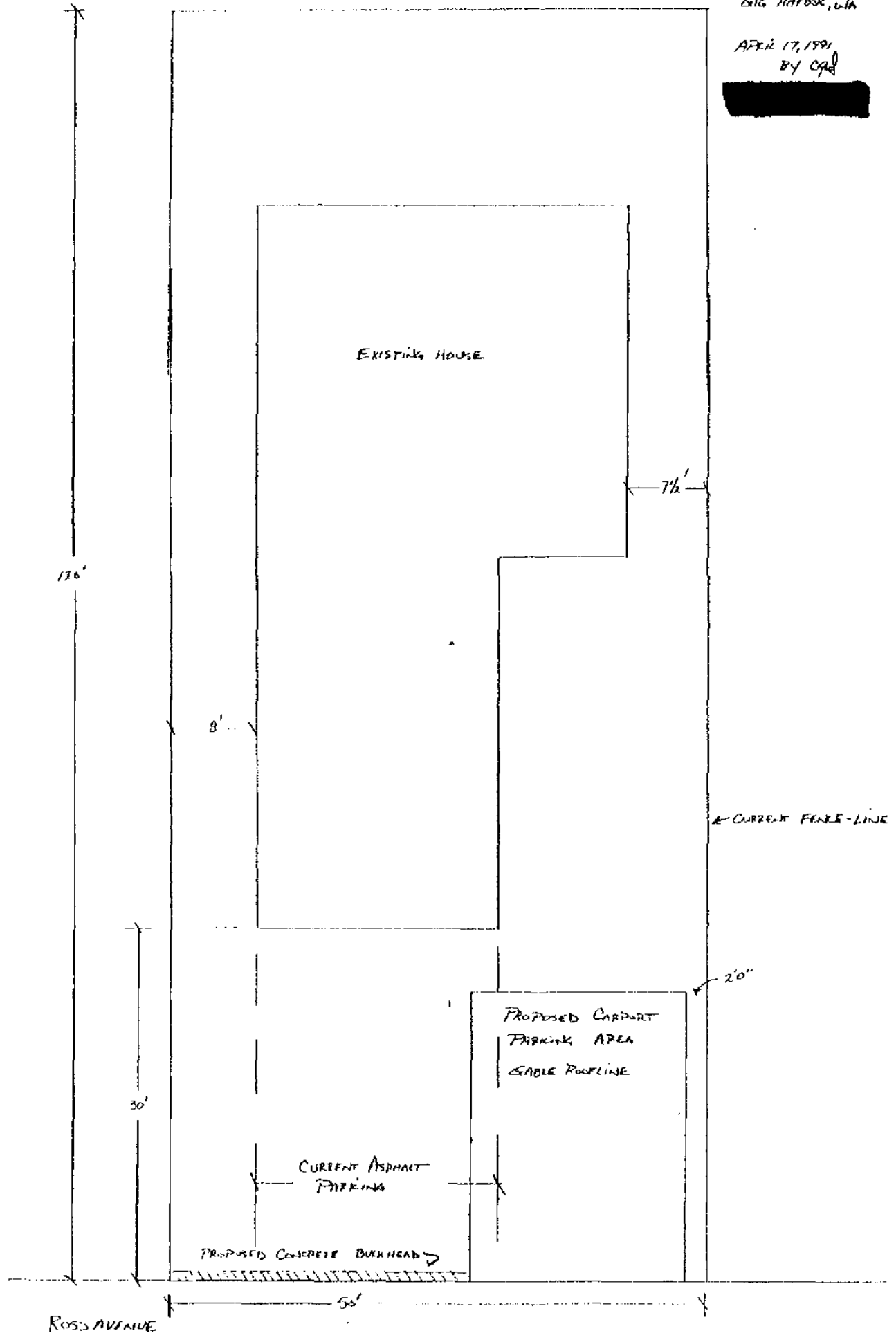
*Patty Bennatts*



GIG HARBOR PLANNING DEPARTMENT  
13007 - 122nd Avenue KPN  
Gig Harbor, WA 98335  
857-3201

SERPENT PT. BENNETTS  
3404 ROSS AVENUE  
GIG HARBOR, WA

APRIL 17, 1991  
BY CJA



Regional Organizing Committee  
219 First Avenue South, Suite 305  
Seattle, Washington 98104  
Telephone: (206) 623-2744

RECEIVED

JUL 10 1991

July 8, 1991

CITY OF GIG HARBOR

*Members*

Mayor Norm Rice, Chairman  
Councilmember Brian Corcoran  
County Executive Tim Hill  
Commissioner John Horsley  
Mayor Pete Kinch  
Mayor Terry Lukens  
Councilmember Lois North  
Mayor Bob Roegner  
Councilmember Barbara Skinner  
Councilmember Jim Street  
Mayor Karen Vialle

Gretchen Wilbert  
Mayor  
City of Gig Harbor  
PO Box 145  
Gig Harbor WA 98335

Dear Honorable Mayor Wilbert:

*Alternates*

Councilmember Bill Brubaker  
Mayor Art Conduff  
Mayor Linn Epperly  
Councilmember Kathleen Sandoz

Several months ago your city approved an Interlocal Agreement for the incorporation of a new multi-county planning organization, the Puget Sound Regional Council. In all, 45 cities and Kitsap County have signed the proposed Agreement. The Regional Organizing Committee is truly grateful for the spirit of cooperation you have shown.

In the months since your action, however, it has become clear there is insufficient consensus in the rest of the Region to get the organization off the ground, as it was originally proposed. There have been a number of issues raised, and the result is the original Agreement has not been signed by Pierce, Snohomish, or King Counties.

While a variety of concerns have been expressed, it appears the lack of consensus ultimately comes down to an issue of representation. The counties don't want to give significant new authority to an organization in which they would have too little representation.

As you know, in the past we have based county representation on the unincorporated population of the county. Thus, for example, the King County government could exercise only one-third the votes allocated to that county, based on the fact that one-third of the population lives in unincorporated areas. Elected officials from the counties have pointed out they represent both incorporated and unincorporated areas, and therefore it is unfair to limit their vote to representing unincorporated areas only.

The Regional Organizing Committee has worked hard to resolve the counties' concern. And, after meeting several additional times, we believe we have found a compromise amendment that will provide the counties more reasonable representation, without changing the proposal in other substantive ways.

July 8, 1991  
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We are therefore proposing an amendment to the Interlocal Agreement, which would allow counties to have a vote equal to cities, at both the General Assembly and the Executive Board. Essentially, the membership on the Executive Board would remain exactly as originally proposed, with 21 members ordinarily casting a total of 19 votes. However, the amendment allows that any member at any time could call for a "weighted vote". In such a vote, the weight would be based on the population of each county, with the county government itself allocated half the respective county's votes.

The amendment language, including a table showing the membership and voting rules, is attached as "Attachment A". The weighted vote is described in more detail in Attachment B. I also draw your attention to Attachment C. There you will find comment from the Organizing Committee, clarifying how growth management will be handled in the new organization.

The Regional Organizing Committee have studied this issue carefully, and recommend your approval. Your action would be to adopt the amendment in Attachment A.

The next cycle of transportation funding will bring millions of dollars to the Region. If we are to have the new agency in place in time to review proposals in that cycle, we must act quickly. We urge you to move as quickly as possible to adopt the amendment.

If you have further questions, or if you need a presentation, please call William Mahan at 623-2744 for assistance. Otherwise, please send the signed amendment to:

Regional Organizing Committee  
c/o William Mahan  
219 First Ave S, Suite 305  
Seattle, WA 98104

Thank you for your commitment to regional planning.

Mayor Norman B. Rice, Chair  
Regional Organizing Committee

AMENDMENT TO THE INTERLOCAL AGREEMENT  
FOR REGIONAL PLANNING OF THE  
CENTRAL PUGET SOUND AREA

This amendment is entered into by and between the undersigned counties, cities and towns, political subdivisions and municipal corporations of the State of Washington and federally recognized Indian Tribes. This amendment is made pursuant to provisions of the Interlocal Cooperation Act of 1967, Chapter 39.34 R.C.W. and has been authorized by the legislative body of each jurisdiction pursuant to format action as designated on the signature page.

Section V. MEMBERSHIP AND REPRESENTATION

B. General Assembly paragraph 2 shall be replaced with the following language

2. The General Assembly shall make decisions when a quorum is present, and on the basis of a weighted vote of the jurisdictions with the weight of each jurisdiction vote as follows: Total votes of all jurisdictions within each county will be proportional to each county's share of the regional population. County government will be entitled to fifty (50) percent of their respective county's total vote. City and town votes will be based on their respective share of the total incorporated population of their county. Indian Tribe vote will be based on their respective share of the regions' population.

Section V. MEMBERSHIP AND REPRESENTATION

C. Executive Board paragraph 2 shall be amended to read

2. The Executive Board shall make decisions when a quorum is present. Membership and votes for jurisdiction represented on the Board will be proportional to the total population within the regional agency's jurisdiction. Up to one vote in any membership category may be split to achieve greater proportional representation.

Weighted votes shall be distributed as defined in Section V. B. 2. Weighted votes shall be used when requested by any member of the Executive Board and Representatives present shall cast the jurisdiction's total weighted voted. Initially, the Board membership and voting structures shall be established as follows:

	<u>Member</u> <u>Jurisdiction</u>	<u>Representatives</u>	<u>Votes</u>	<u>Weighted</u> <u>Votes</u>
King County:	County	4	4	<u>275</u>
	Largest City (Seattle)	3	3	<u>144</u>
	Other Cities/Towns	3	3	<u>131</u>
Kitsap County:	County	1	1/2	<u>35</u>
	Cities/Towns	1	1/2	<u>35</u>
Pierce County:	County	2	2	<u>105</u>
	Largest City (Tacoma)	2	1-1/2	<u>75</u>
	Other Cities/Towns	1	1/2	<u>30</u>
Snohomish County:	County	2	2	<u>85</u>
	Largest City (Everett)	1	1	<u>29</u>
	Other Cities/Towns	1	1	<u>56</u>
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TOTALS:		21	19	<u>1000</u>

IN WITNESS WHEREOF, this amendment has been executed by each party on the date set forth below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Deputy Prosecutor  
or  
City Attorney

WEIGHTED VOTING

The weighted vote as proposed reflects first the population represented by each county of the regional population. Then within each county the weighted vote is split 50% for county government and 50% for city/town governments. For King, Pierce and Snohomish cities, the weighted vote is further split between the largest city and other cities based upon their share of the incorporated population within the county.

The weighted vote is only utilized on the Executive Board when a member jurisdiction requests a weighted vote.

The General Assembly will conduct its business using the weighted vote on all decisions.

The chart on the next page provides further explanation of how weighted votes are calculated.

PUGET SOUND REGIONAL COUNCIL - WEIGHTED VOTE DISTRIBUTIONS

Jurisdiction	1990 (Census)	% of Region Popul.	% of Incorp. Popul.	Total County Share of Votes	% Share of Votes within County	Weighted Votes
King County					50.0%	275
Seattle	516,259	18.8%	52%		26.2%	144
Other Cities	469,426	17.0%	48%		23.8%	131
Total Incorp.	985,685	35.8%	100%		50%	275
Total County	1,507,319	54.8%		55%	100%	550
<hr/>						
Kitsap County					50%	35
Cities	63,974	2.3%	100%		50%	35
Total Incorp.	63,974	2.3%	100%		50%	35
Total County	189,731	6.9%		7%	100%	70
<hr/>						
Pierce County					50%	105
Tacoma	176,664	6.4%	72%		35.7%	75
Other Cities	70,311	2.6%	28%		14.3%	30
Total Incorp.	246,975	9.0%	100%		50%	105
Total County	586,203	21.3%		21%	100%	210
<hr/>						
Snohomish County					50%	85
Everett	69,961	2.6%	34%		17%	29
Other Cities	135,523	4.9%	66%		33%	56
Total Incorp.	205,484	7.5%	100%		50%	85
Total County	465,642	17.0%		17%	100%	170
<hr/>						
TOTAL REGION	2,748,895		55%	100%		1000

CLARIFICATION WITH RESPECT TO GROWTH MANAGEMENT  
AND OTHER PROPOSED AMENDMENTS

A number of questions have arisen with regard to how the Interlocal Agreement treats growth management. The Regional Organizing Committee offers the following clarification:

The Organizing Committee developed the original Interlocal Agreement with the intent that the new regional planning agency would restrict its role in growth management, for the present time, to maintaining Vision 2020. One year after the adoption of the Interlocal Agreement a process will be considered for regional review of countywide plans for consistency with the adopted regional growth strategy. However, no new efforts in growth management can be implemented without action of the Executive Board and General Assembly.

Several jurisdictions suggested other amendments to the Interlocal Agreement. The Regional Organizing Committee believes there is a need to limit the number of amendments to be considered at this time, and therefore offers the following clarification:

The Committee has decided to limit amendments to the issue of representation, at the present time. When the new organization is finally incorporated, the newly constituted Executive Board will give consideration to the proposed amendment for circulation to member jurisdictions.






*City of Gig Harbor. The "Maritime" City."*

3105 HUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO:  MAYOR GRETCHEN WILBERT AND CITY COUNCIL  
FROM: RAY GILMORE, PLANNING DIRECTOR  
DATE: JULY 18, 1991

SUBJECT: Proposed Amendments to Zoning Code - Commercial  
Use of Public Land and Structures -- 1st Reading

Attached for your review and consideration is a proposed revision to the zoning code (Section 17.01.040.B) which would more closely regulate commercial uses of city land (streets, sidewalks, parks, etc.). The proposed amendment would not permit general commercial use on public land unless the use is associated with a special occasion such as a community sponsored festival or event. The current language in the code provides no direction to deny a commercial use. The current code simply requires written approval of the Planning Director and Public Works Director. The City Administrator has the authority to terminate the commercial use upon 30 days notice.

This draft amendment is deemed essential to prevent indiscriminate use of city property by commercial vendors and to allow more careful regulation.

A public hearing is scheduled for the second reading of the ordinance.

*Should  
be in  
streets*

*out of  
park*

CITY OF GIG HARBOR  
ORDINANCE NO.

AN ORDINANCE TO TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE  
AMENDING SECTION 17.01 TO MORE CLOSELY REGULATE COMMERCIAL  
USE OF PUBLIC LANDS AND STRUCTURES.

WHEREAS, the zoning code currently provides for commercial  
use of public land or structures, subject to the written  
approval of the planning director and public works director;  
and,

WHEREAS, commercial use of public lands and structures  
should only be provided in those situations where there is a  
demonstrated public benefit to be derived and where a large  
number of the public would be served; and,

WHEREAS, a proliferation of commercial use of public lands  
and structures is not in the public's interest or welfare;  
and,

WHEREAS, commercial use of public lands and structures  
should be limited to special events or occasions available  
to the general public.

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

Section 1 Section 17.01.040 9B) of the Gig Harbor  
Municipal Code is newly amended to read as  
follows:

B. Private Use of Public Property

1. When private use is made of any public  
land or public structures, such private  
use shall fully conform to the  
regulations set forth in this title.

2. Commercial uses of public land and structures, including streets and sidewalks, shall (require written approval from the planning director and the public works director. Such written approval is to be terminated with thirty days written notice from the city administrator to the private user), not be permitted except in those limited instances where a business license is required for special occasions for a community promoted/sponsored festival or event. The issuance of a business license shall serve as authorization.
3. Commercial users or festival/special occasion sponsors shall obtain insurance, with limits, and coverages as required by the city administration. The city shall be named as additional insured in respect to all coverages.
4. No commercial use of public property to occur prior to conditions subsections B1, B2 and B3 of this section being met.

Section 2

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

DRAFT ORDINANCE  
Page 3

Section 3      This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson  
City Administrator/Clerk

Filed with City Clerk:    7/22/91  
Passed by City Council:  
Date published:  
Date effective:



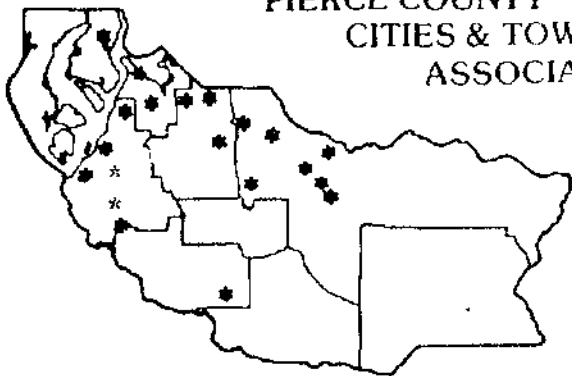
*City of Gig Harbor. The "Maritime" City."*

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

TO: Mayor Wilbert and City Council  
FROM: Michael R. Wilson, City Administrator *M.R. Wilson*  
SUBJECT: 1991-92 Liability/Property Insurance Proposal  
DATE: July 19, 1991

Our insurance broker, Steve Feltus (Bratrud Middleton) is working with our insurance underwriters to obtain quotes for renewal of our liability and property insurance which is up for renewal on August 1. Again this year, Mr. Feltus has not obtained the insurance proposal information from the insurance underwriters prior to the publication of this agenda (negotiations are still going on in an effort to lower the premiums). I have been assured, however, that I will have such information and a proposal prior to the city council meeting. I will review the premium quotes and coverage as soon as I receive them and have a recommendation for you at the council meeting.

PIERCE COUNTY  
CITIES & TOWNS  
ASSOCIATION



Bonney Lake  
Buckley  
Carbonado  
DuPont  
Eatonville  
Fife  
Pircrest

Port Lewis  
Gig Harbor  
McChord AFB  
Milton  
Orting  
Puyallup  
Roy

Ruston  
South Prairie  
Steilacoom  
Sumner  
Tacoma  
Wilkeson

July 2, 1991

The Honorable GRETCHEN WILBERT  
P. O. BOX 145  
GIG HARBOR, WA. 98335

Dear Mayor WILBERT:

The Tacoma/Pierce County Health Department Board is being reconstituted to allow for a voting board member from the Pierce County Small Cities.

In the meeting of our Pierce County Cities and Towns Association on March 21, 1991, Mayor Dennis Stranik Mayor of Eatonville was appointed to that board to represent the small cities. Mayor Leonard Sanderson was appointed the alternate.

Also at that meeting Mayor Sanderson was appointed our representative to the Pierce County Air Quality Commission.

Confirmation by your Council will make this action official, and can be accomplished by the same mechanism that the cities did with the Pierce Transit Commission member. A certified copy of your resolution or motion will suffice and should reach our Secretary/Treasurer Susan Clough in time to be on our September meeting agenda.

Please contact me or Susan Clough if you need more information.

I will look forward to the next enjoyable meeting as I am sure we all do.

Sincerely,

Art Conduff  
President, Pierce County  
Cities & Towns Association

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR  
FOR EXPIRATION DATE OF 9/30/91

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	CLASSES
1. YEE, HENRY	GOLDEN DRAGON CHINESE RESTAURANT 6687 KIMBALL DR UNIT B GIG HARBOR WA 98335 0000	070891	H
2. PANDA INC.	HUNAN GARDEN RESTAURANT 5500 OLYMPIC DR GIG HARBOR WA 98335 0000	076567	H
3. TWETEN, KEVIN FRANKLIN TWETEN, PAM LEE	THE SUNSET GRILL 4926 PT FOSDICK DR GIG HARBOR WA 98335 0000	072299	H

not located inside city limits