

GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 24, 2005

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Picinich, Ruffo and Mayor Wilbert.

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING:

1. Revenue Sources - 2006 General Fund Budget. Mayor Wilbert opened the public hearing at 7:02 p.m. David Rodenbach, Finance Director, explained that this is a required public hearing for levying taxes for 2005 through 2006. He said that there are few changes from the current year other than a 1% increase in property tax. He said that projected revenues are stable.

No one signed up to speak and the Mayor closed the hearing at 7:03 and opened the next public hearing.

2. Rainbow Burnham (ANX 04-03) Annexation. John Vodopich, Community Development Director, presented information on a proposed annexation of approximately 34 acres located west of Burnham Drive, north of 96th Street, and east of Highway 16.

No one signed up to speak and the Mayor closed the hearing at 7:04.

CONSENT AGENDA:

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

1. Approval of the Minutes of City Council Meeting of October 10, 2005.
2. Approval of Payment of Bills for October 24, 2005:
Checks #48445 through #48613 (check #48465 missing due to printing error) in the amount of \$436,152.33.

MOTION: Move to approve the Consent Agenda as amended.
Picinich / Ruffo – unanimously approved.

OLD BUSINESS:

1. Appointment of the Friends of the Parks Commission. Mayor Wilbert said that the Council Parks Committee submitted suggestions for appointments to this commission for Council consideration. She said that seventeen citizens had applied, and thanked them for their willingness to serve. She then read the names aloud and asked them to stand if present. The Mayor explained that a ballot had been included in the agenda packet, and that Councilmembers had an opportunity to cast their vote for five members, providing that they put their names on the top and the vote is

announced. Sonia Billingsley, Community Development Assistant, collected the ballots from the Mayor for tallying the results, which were to be announced later in the meeting.

Councilmember Picinich thanked the Gateway for the front page article, which resulted in seventeen applicants.

2. Second Reading of Ordinance – Allowing Reconstruction of Nonconforming Structures. John Vodopich presented this ordinance that would increase the acceptable level of damage for reconstruction of nonconforming structures from seventy-five percent to one-hundred percent. He explained that he was waiting for a decision from the Washington State Department of Ecology. The effective date would be when the decision from DOE had been received.

MOTION: Move to adopt Ordinance No. 1018 as presented.
Picinich / Ruffo – unanimously approved.

Councilmember Young commented that he would like the Planning Commission to come back with a recommendation to allow non-conforming structures to be rebuilt in other zones in the city. He made the following motion.

MOTION: Move to direct staff to forward a proposed ordinance to allow non-conforming structures up to 100% destruction in all other zones of the city to the Planning Commission and bring it back to Council to review.
Young / Franich -

Councilmember Dick voiced concern that allowing everything to remain the same in every area could be problematic and that there would be no point in adopting any new regulations. He said that he is willing to have the Planning Commission take a look at this, but he is skeptical that it is an acceptable concept. Councilmembers discussed this further and said that they would like to give the Planning Commission an opportunity to review the issue and bring back a recommendation.

RESTATED MOTION: Move to direct staff to forward a proposed ordinance to allow non-conforming structures up to 100% destruction in all other zones of the city to the Planning Commission and bring it back to Council to review.
Young / Franich – six voted in favor. Councilmember Dick voted no.

3. Second Reading of Ordinance – Amendment to Title 15 Clarifying the Authority of the Building Official/Fire Marshal with Respect to Housing Safety. Dick Bower, Building Official / Fire Marshal, presented this ordinance that would give the city the authority to seek legal abatement of unsafe dwellings.

MOTION: Move to adopt Ordinance No. 1019 as presented.
Picinich / Ruffo – unanimously approved.

4. Wastewater Comprehensive Plan Population Update – Consultant Contract Amendment. Steve Misiurak, City Engineer, presented the additional information on rate fees that had been requested previously by Council.

Councilmember Franich said that he understands that these fees meet the generally accepted accounting practices, but disagreed that this is the most fiscally responsible way to approach billing.

Councilmember Young explained that billing overhead in this method helps to avoid an overly time-consuming billing system. Past contracts have not shown the overhead; only the hourly rate with these costs built in.

MOTION: Move to approve the Consultant Service Contract Amendment No. 1 in the amount of \$26,320.61 with HDR Engineering, Inc. for a revised contract amount not to exceed \$57,868.00.
Dick / Ruffo – unanimously approved.

Molly Towslee, City Clerk, explained that the ballots had been tallied and there were four applicants with the highest numbers of votes, and a tie between two applicants for the fifth position. This would require another vote to break the tie. Clerk Towslee read aloud the votes cast by each Councilmember for every candidate that received a vote. The applicants that received the highest number of votes are as follows:

Jacquie Goodwill	- 7
Ken Malich	- 7
Michael Perrow	- 5
Peter Hampl	- 5
Nick Tarabochia	- 3
Robert Winskill	- 3

The Clerk asked for a roll-call vote from Councilmembers to break the tie between applicants Tarabochia and Winskill with the following results:

Ekberg – Winskill; Young – Tarabochia; Franich – Tarabochia; Conan – Tarabochia; Dick – Winskill; Picinich – Tarabochia; and Ruffo – Tarabochia.

The fifth member of the Friends of the Park Committee is Nick Tarabochia.

NEW BUSINESS:

1. First Reading of Ordinance - 2005 Property Tax Levy. David Rodenbach gave an overview of the property tax levy for collection in 2006. This will return for a second reading at the next meeting.

Councilmember Franich said that the city is doing well financially, and would like to forego the option to increase the property tax by 1%. Councilmember Young agreed.

Councilmember Ruffo asked for clarification on the tax that will be levied on the Eddon Boat Property. Mr. Rodenbach explained that you compare debt service on the bonds with the assessed value of property to come up with the rate per thousand.

2. Proposed Annexation – McCormick Ridge LLC (ANX 04-04). John Vodopich presented information on this proposed annexation. He said that Council must decide whether to accept, reject, or geographically modify the boundaries of the proposed annexation. In addition, it must be decided whether to accept the pre-annexation zoning and whether to require the assumption of all or any portion of indebtedness by the area to be annexed. He recommended that Council accept the notice of intention as presented; require that the property owners assume all the proportionate share of the existing indebtedness; apply the R-1 zoning to the Somerset Subdivision and R-2 to the McCormick Ridge Condos and the property immediately to the south; and finally require that the applicant's submit a wetland analysis report with the formal annexation petition.

Councilmember Ekberg asked how much of the annexation area is vacant. Mr. Vodopich answered that approximately 1/3 of the area is vacant.

Clare Hardy – 29206 No. Union, Tacoma. Ms. Hardy said that she works for Scott Edwards, who started the annexation process. She explained that in February, Council asked them to include McCormick Ridge in the proposed annexation, and then Somerset asked to join. She said that she would appreciate Council support on this proposed annexation.

Councilmember Franich said that he was in favor of limiting the size of the UGA, especially in the Purdy area. He added that residential annexations are a net loss for the city and that he would not support this annexation.

MOTION: Move to accept the notice of intention to commence annexation with the three conditions outlined in the staff memo.
Dick / Ruffo –

Councilmember Young asked if the Metro Parks taxing district would be removed from these properties after annexation. Mr. Vodopich responded that it would not.

Councilmember Dick said that the parks within the UGA were not included in the Metro Parks District. Mark Hoppen further explained that only those properties in the ED District were excluded from the taxing district. This particular area was not part of this exclusion.

Councilmember Young recommended approaching this issue in the next legislative session. Councilmember Ekberg concurred.

RESTATED MOTION: Move to accept the notice of intention to commence annexation with the three conditions outlined in the staff memo.
Dick / Ruffo – six voted in favor. Councilmember Franich voted no.

3. Utility Extension, Capacity Agreement – Canterwood Business Park. John Vodopich presented the background information on this request for ten ERU's of sewer service for Canterwood Division 11 Phase 2 Business Park. He explained that the applicants are asking for an exemption to the requirement that they adhere to the city's zoning requirements. The pre-annexation zoning for this area is single family residential R-1; however, Pierce County has designated Canterwood as a Master Plan Community which provides for professional office space. He recommended conditioning the utility extension agreement by referencing the 2005 Pierce County Hearing Examiner Approval and the Conditions of Approval. Mr. Vodopich added that the Gig Harbor Municipal Code provides for an exception to the conformance with zoning requirements, adding that in his opinion, the applicants have satisfactorily met the four criteria necessary to grant the exception. He recommended approval of the Utility Extension Capacity Agreement as proposed. He then advised that the City Attorney has recommended two separate motions if Council wishes to grant the extension; the first to authorize the exemption and the second to approve the utility extension.

Councilmember Franich asked for further clarification on the variance procedure.

Councilmember Young recommended forwarding this to the Community Development Committee for review because the use is so different and due to the impacts on an already problematic road.

MOTION: Move to forward this Utility Extension Agreement request to the Community Development Committee for review and recommendation.
Young / Ekberg – unanimously approved.

4. Sanitary Sewer Facilities Easement and Maintenance Agreement – Canterwood Business Park.

MOTION: Move to table this agenda item.
Picinich / Ruffo – unanimously approved.

5. Resolution – Accepting the Rainbow Burnham Annexation Petition (ANX 04-03). John Vodopich explained that this matter was the subject of the public hearing earlier in the evening. This resolution would accept the annexation petition and refer the proposed annexation to the Pierce County Boundary Review Board for review.

Councilmember Young voiced objection to an annexation that creates an unincorporated island in the middle of the city. John Vodopich pointed out that there is a provision in state law that would allow Council to annex the remaining island.

MOTION: Move to approve Resolution No. 655 as presented.
Ekberg / Ruffo – six voted in favor. Councilmember Young voted no.

6. First Reading of Ordinance – Relating to Annexation and Zoning – Wright Annexation. John Vodopich explained that this proposed annexation had completed the Pierce County Boundary Review and Approval Process. This is the first reading of an ordinance that would formally accept the property located at the corner of Hunt and Skansie. This will come back for a second reading at the next meeting.

Councilmembers discussed whether this also creates an island within city limits. Councilmember Young pointed out that this just adds property to the end of the existing city limits.

Councilmember Franich pointed out an error on page two of the ordinance.

STAFF REPORT:

1. Mark Hoppen, City Administrator – St. Anthony’s Update. Mr. Hoppen commented that Representatives Lantz and Kilmer have been working on a bill that relates to financing to be able to plan for long-term improvements.

2. David Rodenbach, Finance Director – Third Quarter Financial Report. Mr. Rodenbach offered to answer any questions on the quarterly reports.

PUBLIC COMMENT:

Linda Gair – 9301 North Harborview Drive. Ms. Gair requested that the sound be turned up in the Council Chambers in order for the people in the audience to be able to hear.

Eva Jacobsen – 5808 Reid Drive. Ms. Jacobsen commented on the staff report given by Mark Hoppen. She said that it is common in other cities and counties for the EIS process and Comp Plan Amendments to overlap. She said that the Planning Commission could begin to hold workshops and deliberations before the final EIS is published. This could save several months in the process if additional ideas arise before the final EIS is issued.

Mayor Wilbert said that she would ask staff to consider these comments.

COUNCIL COMMENTS / MAYOR’S REPORT:

Councilmember Franich discussed the extension of water services off Crescent Valley Drive discussed at the last Council Meeting. He said that he listened to the recording of the meeting. In part of the discussion, the City Attorney suggested bringing back an ordinance that would allow private parties to be allowed utility service outside the UGA. He asked if the extension could be done without amending the city code.

Carol Morris, City Attorney responded that yes, the city could. She said that state law establishes the criteria for extending utility service outside the UGA and does not limit the types of entities. The limitation for a quasi-judicial organization is only in the city's code. Her recommendation to amend the code would allow anyone to take advantage of what state law allows.

Mayor Wilbert said that she received the report from the South Sound Passenger Ferry Committee announcing that the City of Des Moines is applying for a state grant to study the feasibility of a passenger ferry. She said that she would ask the new Mayor if she can remain the city's representative on this committee.

ANNOUNCEMENT OF OTHER MEETINGS:

Budget Workshops: Monday, November 7th and Tuesday, November 8th at 6:00 p.m. in the Gig Harbor Civic Center Community Rooms A & B.

EXECUTIVE SESSION: For the purpose of discussing personnel matters per RCW 42.30.140(4)(a).


MOTION: Move to adjourn to Executive Session at 8:05 p.m. for approximately 30 minutes in order to discuss personnel matters per RCW 42.30.140(4)(a).
Franich / Picinich - unanimously approved.


MOTION: Move to return to regular session at 8:35 p.m.
Picinich / Franich - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:35 p.m.
Young / Ekberg – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1-29.


Gretchen A. Wilbert, Mayor


Molly M. Towslee, City Clerk