

GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 12, 2005

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

CALL TO ORDER: 7:01 p.m.

PLEDGE OF ALLEGIANCE:

SPECIAL PRESENTATION: Gig Harbor Kayak Club.
Mayor Wilbert introduced members of the Gig Harbor Kayak Club.

Katrina Batina gave a brief presentation on the success of the Gig Harbor Kayak Racing Team and recent win at the national championships. She ask team members Kelsey Baker, Emily Winskill and Annie Truscott to assist her in presenting the Bantam Championship Trophy, National Team photograph, a plaque with the history and team mission statement, and articles of clothing to be put on display in the Civic Center. Ms. Batina then presented Mayor Wilbert with the gift of a team sweatshirt in appreciation of her support of the kayak team. She then introduced Emily Winskill.

Ms. Winskill gave a brief history of the kayaking sport, the team's successes, and future plans. She said that the team is committed to compete in the Olympic Games in 2012 to be held in London. She asked for support from the city and community on a vision to reach this goal and for a facility to serve not only the kayak racing team, but to allow others to explore the harbor. She said that the team seeks approval to make this a possibility and thanked Council for the opportunity to present this information.

Mayor Wilbert introduced the team leader, Alan Anderson and thanked him for assisting these young people in attaining their goals.

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 August 22, 2005.
2. Correspondence / Proclamations: a) Letter from AWC b) Letter from WFOA c) Letter from PSRC d) Proclamation – Constitution Week.
3. Liquor License Change of LLC: Water to Wine.
4. Liquor License Assumption: Olympic Village 76 Station.
5. Approval of Payment of Bills for September 12, 2005:
Checks #48062 through #48178 in the amount of \$202,555.58.
6. Approval of Payroll for the Month of August:
Checks # 3887 through #3934 and direct deposits in the amount of \$263,571.12.

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

OLD BUSINESS:

1. Second Reading of Ordinance – Changing the Equivalent Residential Unit Assignment (ERU) for Laundromats. John Vodopich presented information on this ordinance that would change the sewer connection fee for laundromats. He explained that the sewer connection fee would be changed based upon actual or projected flow calculations and verified after one year of operation.

MOTION: Move to adopt Ordinance No. 1012 as presented.
Picinich / Ruffo – unanimously approved.

2. Second Reading of Ordinance – Prentice Street Vacation – Boyd. John Vodopich presented information on this request to vacate a portion of Prentice Street. He said that an easement has been retained for the existing sewer line and recommended approval.

MOTION: Move to adopt Ordinance No. 1013 as presented.
Picinich / Ruffo – unanimously approved.

3. Public Art Contract Authorization – Rotary Pavilion at Skansie Brothers Park. Mark Hoppen introduced Lita Dawn Stanton, Gig Harbor Arts Commission member, to speak to this issue.

Ms. Stanton explained that the PowerPoint list describes the background information on how the art was chosen, adding that it was unanimously agreed by the Gig Harbor Arts Commission to get a recommendation from the Gig Harbor Fisherman’s Club on what to label the medallion. The recommendation came back “Skansie Brothers Park.” Comments were made to put a plaque or marker somewhere on or around the house itself that would credit the rest of the family members. Ms. Stanton explained that the next picture is another artwork that illustrates the technical ability of the artist, Mardie Rees. Ms. Rees was present to answer any questions.

Councilmember Franich stressed that the plaque should not be too large or imposing.

Councilmember Ekberg thanked the Gig Harbor Arts Commission for doing such a wonderful job selecting a piece for the Rotary Pavilion.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich voiced concern over a rumor that there are plans to change the name of the Skansie Brothers Park. Councilmembers assured him that this is not the case.

MOTION: Move to accept the Arts Commission recommendation to put “Skansie Brothers Park” on the medallion and to authorize the execution of the Artist Services Contract with Mardie Rees in the total amount not to exceed Five Thousand Dollars (\$5,000.00).
Young / Ekberg – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Clarifying the Requirements for Sewer Hook-ups. John Vodopich said that this draft ordinance would clarify when newly annexed areas would require hook up to the sewer system and would outline provision for exceptions. He explained that this issue came about during the Hazen Annexation several years ago, and that after reviewing the minutes this afternoon, he said that the ordinance does not clearly capture the intent of what Council had intended. He recommended that this be remanded back to the Community Development Committee for further review, adding that the ordinance would return in October. Council agreed.

2. First Reading of Ordinance – Amending the Meeting Dates for Friends of the Parks Commission. John Vodopich explained that this ordinance changes one of the meeting dates from September to October to avoid conflict with the Labor Day holiday. This will return for a second reading at the next meeting.

3. First Reading of Ordinance – Amendment to Title 15 Incorporating EHB 1848 Requirements for Weatherproofing. John Vodopich presented this ordinance that amends Title 15 of the city code to reflect amendments to the State building code adopted by reference. Mr. Vodopich addressed questions regarding the impact on developers, clarifying that this ruling only impacts multi-family dwellings.

4. First Reading of Ordinance – UTGO Bonds - Permanent Funding for Eddon Boatyard. David Rodenbach, Finance Director, explained that this ordinance would allow for the issuance and sale of bonds to provide permanent financing to pay off the UTGO Bond Anticipation Note issued in February for the purchase of the Eddon Boat Property. He explained that the final interest rate will be set on September 23 in anticipation of Council approval of the ordinance on September 26th. Mr. Rodenbach answered Council questions regarding the estimated timeline for property tax increase and the amount.

STAFF REPORT:

1. Mark Hoppen, City Administrator - St. Anthony's Update. Mark Hoppen, City Administrator, reported that after the Traffic Committee meeting on Thursday, they expect to have an engineering scenario that will suffice for the near-term, six-year, and twenty-year perspective.

2. Mike Davis, Chief of Police – GHPD July / August Stats. Chief Davis explained that there is an increase in activity and the seriousness of the offenses. He offered to answer any questions regarding the report.

PUBLIC COMMENT:

John Rose – Olympic Property Group, 19245 10th Ave. NE, Poulsbo, WA 98370. Mr. Rose gave an update on the progress of the Harbor Hill project stressing that it is important to them to keep the city informed. He invited Councilmembers, the Planning Commission members, and Design Review Board members to come to the site on

September 28th at 3:00 p.m. for a tour of the site. He said that another tour would be scheduled for those who couldn't attend.

Mr. Rose addressed questions regarding Harbor Hill road that some day will connect with Burnham Drive. He explained that OPG had been working with members of the Gig Harbor Sportsman's Club and offered to submit their letter of agreement. He then introduced John Chadwell who answered questions regarding the traffic concerns.

Mr. Chadwell explained that all traffic reports show that a one-lane roundabout is adequate at the Peacock Hill intersection. He then said that the improvements at the Borgen Boulevard intersection should be more than adequate for the proposed project.

Mr. Rose talked about the surprised success of Gig Harbor North, and stressed that traffic improvements will require public and private funding. He said that his company is on record as saying they will pay for their fair share. He then addressed questions regarding support for the hospital project. He said that OPG is an active participant in the Gig Harbor North Traffic Committee to help find solutions. He explained that OPG is open to discussion. He said that OPG had offered an alternate site to St. Anthony's, but they could not transfer traffic capacity. After 20 years of planning and the associated development costs it wouldn't be feasible to stop their own projects.

Councilmember Young thanked them for attending the GHN Traffic Committee meetings as their technical expertise is valuable. He then asked Mark Hoppen to review the reasons that the transfer of credits was not adopted and report back to the committee before the GHN Traffic Committee meeting.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton utilized a PowerPoint presentation to illustrate her concerns that the proposed Steele / Burton project located at 3600 block of Harborview Drive does not meet the intent of the Design Manual standards for Historic District Preservation. Responding to a question from Councilmember Young, Ms. Stanton said that she is unsure of the status of the permit, and stated that she would recuse herself from any Design Review process on this project due to her family ownership of the adjacent property. Ms. Stanton specifically cited the flat roof and lack of historic window patterns which are elements of the Design Standards for this historic district. She said that new residential structures in the historic district must maintain the existing width and height proportions of adjacent structures. She showed pictures of existing structures and an overlay of the proposed Steele and Burton projects illustrating how the buildings would appear from both the water and street views. She stressed that due to the configuration of the buildings on the property, you would have very little site-line view of the water. Ms. Stanton said that she is not opposed to mixed-uses in this zone, but wants the projects to comply with the historic standards. She asked for clarification on whether these structures can be converted to office space after they are built. She also asked if the plans had been accepted as complete.

John Vodopich clarified that if the use were to be converted from residential to commercial it would require a site-plan review. Mr. Vodopich continued to explain that

the application has been deemed complete by the Building Department, but has not been deemed compliant as the compliance review has yet to be done. He said that Kristen Moerler, Planning Associate, is aware of the Design Review concerns in regards to window treatments and flat roofs. There is still an outstanding issue regarding the administrative interpretation of the allowance of underground parking lots within side-yard setbacks. The appeal period has not yet expired on that and until this is resolved, the compliance review will not be completed.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich voiced concern that the city is processing incomplete, “piece-meal” applications. He said that this project will affect his view. He explained that the original application submitted by Mr. Steele, which was later withdrawn, shows 35 moorage slips with parking, adding that there has never been an overall plan showing parking for all the uses or plans for the old dock. Mr. Bujacich then talked about the City Attorney’s finding that the city has to allow an underground garage from lot line to lot line, or the setbacks would be considered a taking. If this were the case, then the requirements for setbacks in other zones would also be considered a taking. He then said that the plans for this project indicate that it is not single-family residences because each floor has three bedrooms, office space, bathrooms, and fireplaces. He said that this will eventually be converted to duplexes or part commercial. This project is bigger than anything else in the area and affects the view from both the water and from the land. If the Planning Staff were to look at the overall plan, it would be considered a commercial development, and which would have fallen under the moratorium, adding that it seems obvious that this is a commercial marina with all the underground parking. Mr. Bujacich stressed that Council has to pass an ordinance stating that a project cannot be reviewed in pieces; that the plan must be complete.

John Vodopich clarified that the project has not yet gone through the compliance review and has not gone before the Planning Commission as they have no review authority over building permits. The issue that went to the Hearing Examiner was an appeal of the administrative interpretation of underground parking structures in side-yard setbacks.

Bob Frisbie – 9720 Woodworth Avenue. Mr. Frisbie used a handout to illustrate the proposed plan for underground parking for the proposed Burton/Steele projects. He said that the Hearing Examiner’s decision has ramifications throughout the entire city and asked Council to consider if this is what they intended. He recommended that Council look at the decision and if this is not the desired outcome, to change some of the definitions so that you have to abide by the setbacks. He said that he disagrees with the interpretation, but as of this time, they are not going to appeal the decision. He added that it is up to Council to decide what needs to be done, and to do this as soon as possible. Mr. Frisbie then asked Council to refer to the colored illustration, citing the Hearing Examiner’s definition of underground parking: parking is allowed as long as it doesn’t block any lines of site. He said that in this case, this means that it has to be totally underground as it exists today. In this project, some portions of the structures that are located in the setback are out of the ground. In the Hearing Examiner’s findings, these pieces have to be fixed before the project can move forward.

Councilmember Ekberg asked for clarification on the width of the area above ground on the Burton Residence. Mr. Frisbie explained that a grand total of 25' of setback is the required width on this particular property. On the Steele property, the 20' setback requirement has been used for a driveway.

Councilmember Young pointed out that if this information is correct, then the proposed project would be deemed non-compliant. Mr. Frisbie agreed, and said that it took him, a Registered Professional Engineer, several days of review to determine this. He summarized by saying that the applicant has asked to not go before the Design Review Board, but to complete an application that would be compliant with the Design Review Manual. The pictures used by Lita Dawn Stanton show that the project does not comply with the manual. He suggested that Council consider taking a close look at these concerns and return the application as non-compliant with no grandfather rights.

Mayor Wilbert asked if the application has a marina and how many boats would be moored there. Mr. Frisbie said that the original application, which was withdrawn, was a complete development of the property, but it did not have accumulative parking for the entire project. Mr. Burton's son indicated to him that they believed that they would get an exemption from that requirement. It would have required approximately 72 parking spaces to accommodate the mixed uses and marina originally planned. Now, what is proposed are 31 parking spaces specific to the code to avoid going to the DRB.

Chuck Hunter 8829 Franklin Avenue. Mr. Hunter said that the people he has spoken to are concerned about two things: the hospital and how to keep the character of Gig Harbor. He said that the Steele project is an attack on the character of Gig Harbor and as stewards of the community, the City Council has a responsibility to step up to bat when something gets off course concerning city business and on this project, the city is forewarned. Mr. Hunter compared this project to the Luengen Building, adding that it will look like one big building from a distance. He then compared the structures to the Russell Building, which although built low from the street side, also blocks the view. He asked Council to review this information and to direct staff to reject the applications based on the fact that it doesn't meet the criteria that the Hearing Examiner came up with for underground garages. He said that the other thing that needs to be addressed is that if permitted, there will be no more public input. He said that everyone knows this project will be changed to some other use, making this a sham which shouldn't be allowed. Mr. Hunter asked Council to look at the information presented by Lita Dawn Stanton and Mr. Frisbie and make the right decision.

Councilmember Young asked if Mr. Hunter was recommending that Council review the project. Mr. Hunter responded no, that he is asking them to tell staff to send it back until the design meets the criteria. Councilmember Ekberg said that this implies that Council has reviewed the application. Mr. Hunter said that enough information has been given to Council that they do not need to review the project to make that decision.

Councilmember Young said that he agreed that as the legislative body, the Council cannot ask staff to send this back. Mr. Hunter then said that they should ask the Mayor to do so.

Mayor Wilbert asked if there was a way to get the project before the Design Review Board. Councilmember Dick explained that the applicants have specifically avoided the design review process and are asking for an administrative determination.

Councilmember Young stressed that staff will look at the proposal for compliance and the applicant will have the choice to amend the project or they can send it to the DRB for the public process. He asked for clarification for when gross non-compliance equals a rejection as being an incomplete application. Mr. Vodopich responded that this is what is being determined now.

Mr. Hunter said that the garage structure on this project encroaches into the open space, and therefore, it needs to be sent back. Councilmember Young asked if they should be given an opportunity to correct the deficiencies. Mr. Hunter responded that yes, by rejecting the application and making them resubmit. Councilmember Young once again asked if he meant this should be sent back each time it doesn't comply. Mr. Hunter said yes.

Councilmember Ruffo said that Council needs to deliberate over this to figure out what Council's rights are. Councilmember Franich thanked those who put together the presentation. He asked for clarification from staff on the threshold of compliance before the next meeting. John Vodopich explained that this would depend upon whether or not the Hearing Examiner's decision is appealed.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Young said that he discovered that every other jurisdiction in the state does something that Gig Harbor has not, and that is to allow property owners with adjoining properties to submit applications as if they are one parcel. A recommendation from the Community Development Committee to take a look at this went to the Planning Commission for consideration, but they did not act on it as that they believed that it was an applicant driven project. Councilmember Young said that most properties downtown, as well as others throughout the city, are plagued by this problem. He asked support for a Council initiated recommendation for the Planning Commission to review this issue.

Councilmember Conan commented that now there is a building size limitation, it would be to the advantage of the city to do this. After further discussion the following motion was made.

MOTION: Move to direct staff to draft language for the Planning Commission to review that would allow adjoining properties to be treated as one in terms of land use permitting when owned by the same person.
Young / Conan – unanimously approved.

Councilmember Ekberg reported on the results of the meeting of the Parks Committee and Eddon Boat Ad Hoc Committee. Staff brought them up to date on the clean-up process and evaluation of the buildings. After public comment, there was clear consensus that the city should move ahead to separate the upland part of the property from the Eddon Boat building and provide safe public access to that site. Two of the buildings were deemed unworthy of improvements and would be demolished. The terrain issues would be addressed and trees would be identified for saving. One more meeting will be held to review the comments and staff will have a visual presentation to show what the site would look like with these improvements. The Tudor home was deemed to be so far out of compliance that it would be too expensive to bring up to code. They are checking on its historical value and whether the site could be used for a gathering area. The Eddon Boatyard itself needs minor roof repairs and touchup boards. The decision was made to do the minimal repairs necessary before discussion could be held for long-term use plans.

Open Memo – Emergency Preparedness. Mayor Wilbert said that recent events are a wake-up call for everyone to prepare for unexpected emergencies and the need for a local plan. She stressed that everyone needs to be self-sufficient for 72 hours.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GHN Traffic Committee – September 15th at 9:30 a.m.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30.100(1)(i).

Mark Hoppen pointed out that the city attorney was not present. Councilmember Franich and Ruffo said that they needed to go into Executive Session anyway.

MOTION: Move to adjourn to Executive Session at 9:03 p.m. to discuss potential litigation for approximately 20 minutes.
Picinich / Franich – unanimously approved.

MOTION: Move to return to regular session at 9:25 p.m.
Dick / Ruffo – unanimously approved.

MOTION: Move to adjourn back to Executive Session for approximately another five minutes.
Dick / Ruffo – unanimously approved.


MOTION: Move to return to regular session at 9:35 p.m.
Ruffo / Ekberg – unanimously approved.

MOTION: Move to authorize staff to appeal the Hearing Examiner's Decision to Superior Court and to hire outside Counsel to advise us on this matter and that this be filed in a timely manner.
Franich / Picinich – roll call vote: Ekberg – no; Young – no; Franich – yes; Conan – yes; Dick – no; Picinich – yes; Ruffo – no. The motion failed, four to three.

ADJOURN:

MOTION: Move to adjourn at 9:35 p.m.
Ekberg /Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 19.
Disc #2 Tracks 1 – 13.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk