

## **GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 12, 2007**

**PRESENT:** Councilmembers Ekberg, Young, Franich, Conan, Dick, Payne, Kadzik and Mayor Hunter.

**CALL TO ORDER:** 6:03 p.m.

**PLEDGE OF ALLEGIANCE:**

### **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 January 22, and Special City Council Meeting of January 29, 2007.
2. Correspondence / Proclamations: Volunteer Appreciation Week.
3. Resolution 700 – Designation of the Official Newspaper.
4. Appointments to Lodging Tax Advisory Committee.
5. Hotel / Motel Contracts: Tacoma Regional convention & Visitors Bureau; Kitsap Convention & Visitors Bureau; and Zahorsky & Associates Public Relations.
6. Appointments to Council Committees.
7. Purchase Authorization – Electric Variable Frequency Motor.
8. Temporary Construction Inspection Services.
9. Eddon Boat Remediation Clean-up Action Plan – Contract Amendment.
10. Police Guild Contract for 2007-09.
11. 56<sup>th</sup> Street/Olympic Drive Improvement Project Plans, Specifications and Estimate – Contract Authorization.
12. Rules of Professional Conduct – Conflict of Interest Letter.
13. Amendment to Job Description – Engineering Tech.
14. Approval of Payment of Bills for February 12, 2007:  
Checks #52658 through #52868 in the amount of \$707,548.57.
15. Approval of Payment of Payroll for January:  
Checks #4548 through #4576 and direct deposit entries in the amount of \$281,140.99.

**MOTION:** Move to approve the Consent Agenda as presented.  
Franich / Young - unanimously approved.

Councilmember Ekberg said that he wanted to amend the agenda.

**MOTION:** Move to amend the agenda to move Item Number 1 under New Business to be presented next, and then to move the Executive Session to follow the presentation by Kurt Latimore.  
Ekberg / Young - unanimously approved.

Design Review Process Improvement Presentation – Kurt Latimore. John Vodopich, Community Development Director, explained that the 2007 Budget allocated funds for Mr. Latimore to do a review of the design review process. He introduced Mr. Latimore.

Kurt Latimore gave an overview of the process for the Design Review Manual Process Improvement Initiative.

**EXECUTIVE SESSION:** For the purpose of discussing potential litigation per RCW 42.30.110(1)(i).

**MOTION:** Move to adjourn to Executive Session at 6:08 p.m. to discuss potential litigation for approximately 45 minutes with the understanding that if it doesn't take the full time Council will reconvene to regular session earlier.  
Franich / Ekberg - unanimously approved.

Mayor Hunter, Councilmembers Young, Conan, Dick and Payne returned to the Council Chambers.

**MOTION:** Move to return to regular session at 6:53 p.m.  
Young / Conan - unanimously approved.

**MOTION:** Move to adjourn back to Executive Session at 6:53 p.m. for the purpose of discussing pending litigation for approximately another 30 minutes.  
Young / Conan – unanimously approved.

**MOTION:** Move to return to regular session at 7:20 p.m.  
Franich / Conan – unanimously approved.

**MOTION:** Move to appeal the Hearing Examiners Decision on The Courtyards at Skansie.  
Young / Dick –

Roll call vote: Ekberg – aye; Young – aye; Franich – aye; Conan – no; Dick – aye; Payne – no; and Kadzik – aye. Motion carries five to two.

**OLD BUSINESS:**

1. Second Reading of Ordinance – Relating to Annexation and Zoning - Shafer (ANX 06-1302). John Vodopich presented this ordinance to annex approximately .31 acres of property located on Soundview Drive.

Councilmember Kadzik praised the new Council Agenda Bill format.

**MOTION:** Move to approve Ordinance No. 1068 as presented.  
Franich / Payne - unanimously approved.

2. Second Reading of Ordinance – Dahl Rezone (REZ 06-1326). John Vodopich presented this ordinance that changes the city’s zoning map to reflect the Hearing Examiner’s final decision to rezone this property.

**MOTION:** Move to approve Ordinance No. 1069 as presented.  
Young / Ekberg - unanimously approved.

3. Second Reading of Ordinance – To Exempt Net Shed from the Maximum Gross Floor Area Requirements in the Waterfront Residential, Waterfront Millville and Waterfront Commercial Districts. A New Definition for “Historic Net Sheds” is also Proposed. Tom Dolan, Planning Director, presented this ordinance that would exempt historic netsheds from the maximum gross floor area requirements in certain waterfront districts. He explained that Council asked the Planning Commission to research this issue due to a concern that existing inclusion of netsheds would be a disincentive to property owners to retain the netsheds. Mr. Dolan said that the city attorney has advised him that the inventory could be included as an exhibit to the ordinance, but will not be codified.

Ms. Morris clarified that this means that the public can obtain a copy of the inventory, but the inventory will not be included in the Municipal Code.

Councilmember Franich voiced concern that there are no clear definitions of a historic netshed and a converted property such as Isamira Restaurant would be included in an ordinance that protects the heritage of netsheds. Mr. Dolan clarified that the listing only allows the property owner to come before the Design Review Board and seek designation as an historic netshed. It doesn’t automatically grant the privilege, and in the case of Isamira, the netshed would have to be reconverted back to meet the requirements of an historic netshed.

Councilmembers and staff discussed ways to further clarify the intent of the ordinance.

**MOTION:** Move to strike the sixth “Whereas” in the ordinance which removes the exhibit A.  
Franich / - motion failed for lack of a second.

Councilmember Payne explained that without a descriptive definition, the exhibit would act as an example.

**MOTION:** Move to approve Ordinance No. 1070 with the following revision that in the second full sentence on page 3, “In order to qualify for any exemption from gross floor area in Title 17, a Historic Net Shed, as referenced in Exhibit ‘A’, but not limited to Exhibit ‘A’, must be included and maintained on the City’s Register of Historical Properties, pursuant to ...  
Payne / Conan –

Councilmember Young said that he sees no advantage to including the list as it implies that every one on the list is included in the exemption. He voiced concern that in the future, no one will remember why this was done.

Mayor Hunter recommended that the sixth “Whereas” be incorporated into the fifth to indicate that 17 netsheds are still in existence and adding the exhibit as an example. Councilmember Ekberg agreed, adding that others can be added later. This shows research has been done and referencing it.

Councilmember Payne pointed out that the CLG criteria for historic structures are so specific that there shouldn't be any concern.

**AMENDED MOTION:** Move to amend the motion to strike the sixth Whereas and add a reference to Exhibit ‘A’ in the fifth Whereas.  
Kadzik / Young - unanimously approved.

**MAIN MOTION:** Move to approve Ordinance No. 1070 with the following revision that in the second full sentence on page 3, “In order to qualify for any exemption from gross floor area in Title 17, a Historic Net Shed, as referenced in Exhibit ‘A’, but not limited to Exhibit ‘A’, must be included and maintained on the City’s Register of Historical Properties, pursuant to ...  
Payne / Conan – unanimously approved.

4. RB-1 Inventory Review. Tom Dolan presented information on RB-1 Zones throughout the city requested by Council at the last meeting. He used a PowerPoint Presentation to illustrate the locations and answered questions. When he completed the presentation, Mr. Dolan explained that Council could direct staff to prepare an ordinance that would allow multiple structures of up to 5000 s.f. in the RB-1 zone, or refer this matter back to the Planning Commission to look at the appropriateness of the RB-1 zones and make a recommendation to Council before a decision is made.

Councilmember Ekberg commented that the Planning Commission could have had a public hearing to gain input, and Council could also hold its own public hearing. He explained that the RB-1 zone was designed to insulate between residential and business districts, especially in the Grandview, Stinson, and Pioneer triangle. The other RB-1 zones around the city appear to have been used to identify old businesses in existence in residential areas. He said that we need to look at whether we need to limit the larger parcels to a 5000 s.f. building on the lot or force them into subdividing. He again said that Council could hold a public hearing and move forward.

Councilmember Kadzik commented that the only property that doesn't seem to be appropriately zoned RB-1 is the Skandiaguard Property, and it is too late to do anything.

Councilmember Ekberg said that it would be an improvement to the neighborhood to have the Spadoni property at the corner of Stinson and Rosedale go back to a RB-1 zone.

Councilmember Franich disagreed. He said that several parcels in different locations don't fit the character of the community. The parcel across the corner from the Spadoni Property, a parking lot, should not be zoned RB-1 and the Skandiaguard property is located in the middle of other large lot, single family residential parcels. He said that he also questions the RB-1 zoning along Bujacich Drive due to the residential characteristic there. He then said that he is unsure of how he feels about the 5000 s.f. limitation per lot.

Councilmember Young said that it is wrong to force a developer to subdivide a parcel. Because the RB-1 main concern was in the downtown view corridor when the 5,000 s.f. limitation was passed, the issue was never addressed for other parcels in other areas throughout the city. He said that he doesn't disagree with the Planning Commission reviewing these parcels, but some may take a Comp Plan amendment and this would take a year or more. He said that he prefers that Council hold its own hearing, collect the evidence, and then have staff draft an ordinance.

Councilmember Franich pointed out that the Planning Commission did have concerns with this zoning on certain parcels. Councilmember Young said that he agrees, but that this shouldn't preclude Council from moving forward.

Mayor Hunter said that he would like to have the Planning Commission hold the hearings and decide what the appropriate zoning should be.

**MOTION:** Move to schedule a public hearing and have staff draft an ordinance to bring back to Council to change only the per lot designation for building size limits in the RB-1 zone and further to put on the Planning Commission's work program a review of the RB-1 zones and the Comp Plan designation.  
Young / Ekberg –

Councilmember Franich asked for clarification on eliminating the 5000 s.f. per lot limitation before Council decides whether the parcels are zoned properly.

Councilmember Young responded that not the square footage limitation, but the per lot limitation. There will still be a 5000 s.f. limit per building.

Councilmember Kadzik asked if the motion was to look at all the zones or only the RB-1 zones. Councilmember Young responded that he thought that this is the only zone designation that is in question. Councilmember Kadzik said that it would be appropriate to look at the other zones as part of a comprehensive look at all the zoning. He said that he understands that this is a huge undertaking, but it makes sense to look at all the zones, perhaps one per year.

Councilmember Conan said that no one has completely understood the RB-1 zone, and during his time serving on the Planning Commission, they ran into issues with this zone. He agreed that all the zones should be looked at, but if all the zones are included in the review, it will be too big. He said that a grand plan to look at all is a good idea, but he would like to start with the RB-1 zone.

Councilmember Ekberg said that during the public hearing, other issues will be identified. He agreed that this needs to move forward.

Rob Karlinsey, City Administrator, recommended that Council review the Planning Commission overall work plan, come to an agreement and then meet with the members to let them know your thoughts.

Councilmember Franich said that this had been done, and that is how the three-tiered approach came to be. Councilmember Kadzik added that the first-tier items are already at a whole year's worth at this time, and so this is unlikely to come up for at least one year.

Councilmember Dick said that the Planning Committee will be bringing forward a revitalization of the Planning Commission Work-Plan tiers so that Council can consider which things should occur first, second and then third. He said that it is a very heavy load and he would like to amend the motion.

**AMENDMENT TO MOTION:** Move to amend the motion to strike the direction to put on the Planning Commission's work program a review of the RB-1 zones and the Comp Plan designation.  
Dick /

Councilmember Young asked the reason for not adding it to the work plan, even though it wouldn't be considered for awhile. Other Councilmembers agreed. Councilmember Dick agreed to withdraw his amendment, clarifying that it he doesn't want this to be listed as a first-tier item.

**AMENDMENT TO MOTION:** Move to amend the motion to include that as Council considers whether or not we should do away with the 5000 s.f. limit per lot, that Council also consider the appropriateness of the RB-1 zones as they exist as part of the process.  
Franich / the motion failed for lack of a second.

**MAIN MOTION:** Move to schedule a public hearing and have staff draft an ordinance to bring back to Council to change only the per lot designation for building size limits in the RB-1 zone and further to put on the Planning Commission's work program a review of the RB-1 zones and the Comp Plan designation.  
Young / Ekberg – six voted in favor. Councilmember Franich voted no.

**NEW BUSINESS:**

1. First Reading of Ordinance – Relating to Annexation and Zoning – Hansen (ANX-1313). John Vodopich presented the background information on this request to annex approximately 2.5 acres of property located at the corner of 46<sup>th</sup> Avenue NW and Forest Lane. This will return for a second reading at the next meeting.

3. First Reading of Ordinance – Reauthorizing Speed Limit on Portions of Certain City Streets. John Vodopich explained that the Engineering Staff conducted engineering and traffic speed zone investigation studies on various city streets and proposed certain changes. This ordinance re-authorizes existing speed limits and also establishes six new speed zones on various new streets or streets recently enacted. This will return for a second reading at the next meeting.

Councilmember Dick asked about the speed limit on Borgen Boulevard. Mr. Vodopich responded that anything not posted is 25 mph and in other areas, the speed study identified areas in which 35 mph is more appropriate.

Councilmember Franich left the Council Chambers at this time.

Councilmember Kadzik asked why K & L on the table are not combined because they are in the same vicinity. Mr. Vodopich said that he would research this and get back.

Councilmember Payne asked for the criteria for selecting these sites. Mr. Vodopich said that the first agenda was to look at existing streets and then significant new arterials. Councilmember Payne then commented that he would have expected the stretch from Highway 16 where Olympic Drive turns into Soundview Drive to possibly be increased to 30 or 35 mph, ending near the residential area.

Councilmember Young said that North Harborview has been an issue with the police because the posted speed limit had not been adopted by code and therefore was unenforceable.

Councilmember Ekberg said that on Borgen Boulevard, both ends are congested and that 30 mph would be more appropriate for the area in between. He then said that another area that was not addressed is Stinson to Soundview, which is also very congested and should be designated as 20 mph. He asked that this be looked at. Councilmember Payne agreed that there is speeding through there.

John Vodopich said that he will follow up on the questions before the next reading.

4. First Reading of Ordinance – St. Anthony Zoning Map Amendment. John Vodopich presented the background information on this site-specific rezone request for the St. Anthony's Hospital site. He said that the Hearing Examiner has approved the rezone which has facilitated the hospital's application of the Conditional Use Permit.

This ordinance changes the official city zoning map to reflect this rezone. This will return at the next meeting for a second reading.

5. First Reading of Ordinance – Reconsideration of Hearing Examiner’s Decisions. Carol Morris, City Attorney, presented this ordinance that would allow Council to request reconsideration of the Hearing Examiner’s final decisions. This would be an administrative reconsideration that would not involve a hearing. She explained that the ordinance has changed to remove any reference to adopting this as an emergency and the amended version will return at the next meeting.

Councilmember Dick asked if Council were to ask for reconsideration, if this would make it difficult to meet the state’s deadline for issuance of a decision. Ms. Morris said that the reconsideration procedure occurs after the expiration of the deadline for a final decision.

### **STAFF REPORT:**

Rob Karlinsey, City Administrator. Mr. Karlinsey said that this week, Councilmember Young and he will accompany the Mayor to Olympia for the AWC Legislative Conference. He said that they would be meeting with various legislators to talk about issues important to the city, the most important being the CERB Grant. He said that there is an aggressive speaking schedule thanks to the efforts of the city’s lobbyist, Tim Schellberg. He asked if any other Councilmembers are interested in coming along to let the City Clerk know as soon as possible.

Mr. Karlinsey reported that he had the privilege of meeting with Marc Connelly, PenMet Parks, and is impressed with the aggressive capital schedule to acquire property throughout the Peninsula. He said that he thinks that the Gig Harbor citizens will also benefit from these efforts. He continued to say that they discussed partnering opportunities and how the city contributes. One issue that needs to be addressed is the areas annexed into the city that are being taxed by both the city as well as the parks district. Mr. Connelly suggested that representatives from the City Council meet with representative of PenMet Parks to discuss options. Mr. Karlinsey asked any Councilmembers interested in being part of the delegation to get in touch with him.

Mr. Karlinsey said that a proposed Impact Fee Schedule update would be coming to Council on March 26th. On a related item, staff has been working on capacity issues at the Burnham Interchange, which has been given a nickname; “BBC-16” (Burnham / Borgen / Highway 16). He concluded by saying that a recommendation “in principal only” will be coming from the Operations Committee in the near future.

### **MAYOR’S REPORT / COUNCIL COMMITTEE REPORTS / COUNCIL COMMENTS:**

Intergovernmental Affairs Committee: Mayor Hunter asked if there were any comments on the draft minutes.



Councilmember Kadzik asked if minutes of the other Council Committees would be included in upcoming agendas. Mr. Vodopich responded that yes, the minutes would be included in the Council Agenda Packet following the meetings.

Mayor Hunter announced the upcoming Council Retreat and encouraged Councilmembers to submit their agenda topics to the City Clerk.

Mayor Hunter then reported that Guy Hoppen had submitted his business plan for the Gig Harbor Boat shop at the Eddon Boatyard. He said that it came in too late to bring to Council this evening but it will be available for the next meeting.

**PUBLIC COMMENT:** No one signed up or came forward to speak.

**ANNOUNCEMENT OF OTHER MEETINGS:**

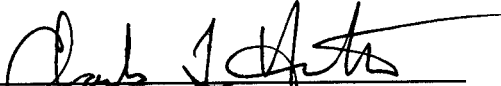
1. Operations and Public Projects Committee Meeting – Thursday, February 15, 2007, at 3:00 p.m. in the Engineering/Operations Conference Room.
2. GH North Traffic Options Committee – Wednesday, February 21, 2007, at 9:00 a.m. in Community Rooms A & B.
3. Council Retreat – Wednesday, February 28, at 8:00 a.m. in the Community Rooms A & B.
4. Gig Harbor North Visioning, March 14, 6 p.m., Community Rooms A & B.

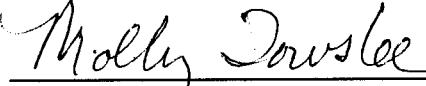
Rob Karlinsey announced the Volunteer Appreciation Celebration this coming Thursday at 5:30 p.m. at the Visitor Information Center. Mayor Hunter encouraged all the Councilmembers to stop in and recognize the volunteers.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:43 p.m.  
Dick / Conan – unanimously approved.

CD recorder utilized:  
Disk #1 Tracks 1-26  
Disk #2 Tracks 1-6

  
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Charles L. Hunter, Mayor

  
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Molly M. Towslee, City Clerk