

GIG HARBOR CITY COUNCIL MEETING OF MAY 29, 2007

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Payne, Kadzik and Mayor Hunter. Councilmember Dick was absent.

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

SWEARING IN CEREMONY:

Mike Davis, Chief of Police, introduced the newest Reserve Officer, Ed Santana, and gave a brief background of his credentials and successful completion of the Police Academy. Mayor Hunter performed the ceremony to officially swear him in as a Reserve Officer for the City of Gig Harbor.

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 May 14, 2007.
2. Resolution – Surplus Equipment.
3. Appointment to Design Review Board.
4. eCityGov Alliance-MyBuildingPermit.com Subscription Agreement.
5. 2007 Pavement Markings Contract.
6. Storm Water Facilities Maintenance and Restrictive Covenant Agreement.
7. Eddon Boat Remediation Project-EPA Brownfields Grant Administration Contract Amendment.
8. Liquor License Application – In Lieu of Current – Tides Tavern.
9. Approval of Payment of Bills for May 29, 2007:
Checks #53696 through #53842 in the amount of \$454,857.60.

MOTION: Move to approve the Consent Agenda as amended.
Ekberg / Franich - unanimously approved.

PRESENTATION: Dept. of Ecology – Presentation of 2006 “Outstanding Wastewater Treatment Plant” Award.

The Department of Ecology could not be at the meeting to present the award. Steve Misiurak, City Engineer, explained that the city is honored to receive this award for having no violations and meeting all permit requirements. He introduced Laurie Nicholas, Wastewater Treatment Plant Operator. Ms. Nicholas offered tours of the treatment plant.

Mayor Hunter then introduced Kae Paterson, newest member appointed to the Design Review Board. Councilmember Kadzik said that he worked with Kae on the Planning Commission and that she will be a great addition to the DRB. He thanked her for her continued volunteerism.

OLD BUSINESS:

1. Pierce Transit Presentation. Tamara Jenkins, Principal Planner for Pierce Transit, said they heard loud and clear at the last meeting that the city would like the pedestrian bridge kept out of the Hunt Street right of way and would like an improved design. She used a PowerPoint presentation to illustrate the new site plan and design. She noted that the final location is contingent upon approval by WSDOT. Ms. Jenkins described the new “corridor concept” design features explaining that the simpler, open design would blend with the existing Park and Ride facility.

Ms. Jenkins answered Councilmembers’ questions regarding the changes.

2. Second Reading of Ordinance – Ordinance Passing Procedures. Carol Morris, City Attorney, presented this ordinance that would allow Council to adopt an ordinance on its introduction.

Councilmembers discussed changing language on page 2 to delete the reference to “time-sensitive and/or of a routine nature” and adding site specific rezones.

MOTION: Move to adopt Ordinance No. 1088 with the correction to Section 1.08.02 C.
Ekberg / Payne – unanimously approved.

3. Second Reading of Ordinance – Parks Commission Meeting Date. Rob Karlinsey, City Administrator, presented this housekeeping ordinance setting Parks Commission meeting dates by resolution rather than by ordinance.

MOTION: Move to adopt Ordinance No. 1089 as presented.
Payne / Conan – unanimously approved.

4. Second Reading of Ordinance – Traffic Concurrency Transfer. Steve Misiurak, City Engineer, presented this ordinance that would provide for the transfer of reserve transportation capacity. He described the changes made to the ordinances per Council and a letter received since the last reading.

Carol Morris explained that the revised draft further clarifies the situation in which the sending property doesn’t have an existing CRC. The transfer can still take place as long as they have a pending CRC.

Ray Schuler – 1501 Pacific Avenue. Mr. Schuler, Board Chairman for the Boys & Girls Club, said that the ordinance has changed since the first reading, but they would still like to endorse the adoption of one of the ordinances. He added that he is mystified by how an entitled trip becomes one that has to be mitigated when moved from one site to another.

Carol Morris addressed this concern by explaining that the trips are separate from concurrency. The mitigation is imposed pursuant to SEPA, and this ordinance only speaks to trips, not exemption from mitigation.

Councilmember Franich voiced concern that it is early in the process to implement the traffic model this ordinance could lead to unintended consequences.

Jennifer Kilmer – 4218 North Harborview Drive. Ms. Kilmer, representing the Gig Harbor Peninsula Historical Society, explained that she doesn't fully understand the changes, but will rely upon the good intentions of staff. She said that the Historical Society supports the trip transfer ordinance. She stressed that the ordinance will not have unintended consequences because there are very few projects that will be impacted.

Councilmember Young clarified that the changes to the ordinance only reflect the SEPA process. He stressed that the sunset clause and the limitation of transfer of only 25 trips limits any negative impacts. Councilmember Payne echoed these comments.

Councilmember Ekberg said that the Operations Committee felt that the owner to owner version narrows the chance for negative consequences.

MOTION: Move to adopt the primary or not requiring the same owner version of Ordinance No. 1090 as presented.
Young / Payne – five voted in favor. Councilmember Franich voted no.

4. Amendment to Master Fee Resolution. Rob Karlinsey explained that Resolution No. 711 passed at the last meeting had the base plan fee omitted. This resolution adds these fees as well as correcting a typographical error.

Jim Pasin – 3212 50th St. Ct. NW. Mr. Pasin voiced concern that some of the justification for the new fees is that we aren't up to the level of what other jurisdictions charge, which is a poor excuse. The fees should be based on objectives. Are we trying to encourage or discourage business or residential development? Are the fees justified or is the city trying to "tax people who are trying to do business with the city?" He pointed out that the \$3000 charge for a conditional use permit for non-residential may discourage that type of development. The fees for non-residential and commercial development design review are excessive in comparison to residential. There seems to be a burden placed on non-residential development which discourages more interesting design standards.

Councilmember Young asked for clarification on the cost of a conditional use permit. Councilmember Conan explained that this was discussed in committee and it is because any conditional use permit requires a full report as it goes before the Hearing Examiner.

Carol Morris addressed the comment that these fees are based upon other jurisdictions. She explained that staff presented a chart illustrating what other jurisdictions charge only to show that the proposed fees are in line with what others charge. Staff went through an elaborate process to make sure that the fees actually reflect administrative costs.

Mayor Hunter pointed out that many of the fees hadn't been updated for a very long time.

MOTION: Move to adopt Resolution No. 716.
Young / Ekberg – unanimously approved.

NEW BUSINESS:

1. Public Hearing and First Reading of Ordinance – Butler Drive Street Vacation. David Brereton, Director of Operations, presented the background on this proposal to vacate a portion of Butler Drive by Mr. Sterling Griffin. He then answered Council's questions regarding utilities, a proposed short plat, fire hydrant service and emergency access to the property.

Councilmember Payne mentioned that this area is used for lots of pedestrian access and asked Legal Counsel if this should be taken into consideration. Ms. Morris responded that vacating the property would eliminate the public's right to pedestrian travel.

Mayor Hunter opened the public hearing at 6:55 p.m.

Dave Freeman – 3011 Judson Street. Mr. Freeman, Agent for Mr. Griffin, gave an overview of the plans to develop the property. He explained the plan to acquire the other half of the previously vacated Butler Street end. He provided a hand-out and described the plan to short-plat the parcel. He said that they would provide access and utility easements to the city and to adjacent property owners. This includes access to the fire hydrant. Mr. Freeman addressed the storm water concerns. He said that they would provide a design that meets or exceeds the city's requirements.

Carol Morris addressed the question about maintaining easements. She explained that pedestrian easement is inconsistent with a street vacation. She further explained that if Council determines public travel in the area, and if the city intends for that to be continued, the street vacation must be denied.

Councilmember Payne asked about an engineering report on the utilities. Steve Misiurak responded that a report usually isn't generated for a street vacation request unless it is essential to street network connectivity. In this case, it is not, but there are maps that show the utilities.

Mayor Hunter asked about a turnaround. Mr. Freeman clarified that he worked with the Fire Marshal to design a regulation hammerhead that would be built and granted to the city.

Dave Jarzynka – 7401 Stinson Avenue. Mr. Jarzynka voiced his opposition to the street vacation request for three reasons. One, his water service is in the easement; two, he is 140 feet from the hydrant and needs this fire service; and third, the water runoff. A house was built on the other side of the vacation and the cleared vegetation resulted in quite a bit of storm water runoff moving towards his property.

Sterling Griffin – 22 Rhododendron Drive, Gig Harbor. Mr. Griffin, property owner requesting the vacation. Mr. Griffin explained that the property next door was heavily treed and blackberried before that house was built, but now there is a path that the property owner to the left put in and improved city property, which he didn't know was allowed. After he applied for the vacation, this path construction took place in the area they have asked to have vacated. He said that he has no problem mitigating any type of water that may come from his property down to the Jarzynka's. In addition, if they want access to Butler, they will provide it. They will not be building a house over any waterlines, all concerns will be mitigated and they will be happy to maintain any utilities or fire protection.

Kae Paterson – 7311 Stinson Avenue. Ms. Paterson reinforced that there always has been a walking trail across that piece of property that has been part of the neighborhood for years. When the new house was being built, a neighborhood meeting resulted in the improvements to the trail. She said that the trail is used and is part of the neighborhood.

Bill Fogerty – 3614 Butler Drive. Mr. Fogerty said that the newly constructed house is a 3500 s.f. Craftsman home and the owner made the improvements to the trail. He said that he has problems with the vacation request. One, it is a dead end street. Two, Nick Tarabochia told him that when he was a kid they used to ride bikes through those trails. He said that this trail has been used by many of the neighbors. He said that he doesn't agree to the street vacation. These are single family residential lots on a dead end street. He also said that there needs to be a turnaround because everyone uses his driveway to turn around. He said that he has no problem with the city making improvements and widening the streets and adding sidewalks to make the area ADA accessible but is against vacating or making any changes to the residential lot.

Mr. Fogerty then told Mr. Griffin that his surveyor pulled off the street and put an eight foot ditch on city property next to the pole on which Mr. Griffin posted the public notice.

Jean Johnson – 3622 Butler Drive. Ms. Johnson spoke in opposition of the street vacation. She said that the right of way has been in existence since Butler Drive was created, several pedestrians use it and it should remain as such.

Joseph Bruner – 3611 Butler Drive. Mr. Bruner said that he lives in the house next to Mr. Griffin's property, and said that he does not support vacation of the easement because it is a path and the only way over to Stinson Avenue. It's always been there and he doesn't want to support any more development on this street.

Mr. Griffin came forward to say that if his surveyor did damage to get him the truck number, name or phone number and he will be glad to take care of any damage. He then said that the Jarzynka's should install a speed bump to handle all the traffic.

The public hearing closed at 7:11 p.m.

Councilmember Ekberg said that he would like to decide whether or not to proceed with the vacation. He said that historically, the only streets vacated by the city have been under the non-users statute. He stressed that this property still has benefit to the city and he sees no reason to vacate the right of way. He further explained that all the lots on Butler range between 12,500 and 13,500 square feet, single family residences. The only reason to vacate this is to add another 2500 square feet to a lot that would allow it to be divided into two. He said that the city does not need to be in the real estate speculation business.

MOTION: Move to not agree to vacate this street right of way.
Ekberg / Payne – unanimously approved.

2. First Reading of Ordinance-Clarifying the Effect of a Transportation Capacity Reservation Certificate (CRC), and the Definition of an "Owner", along with the Definition of "Capacity". Steve Misiurak presented this ordinance to clarify that an applicant with a CRC does not have ownership interest in projected trips, and to define the term "Owner" to include a lessee of real property if the lease is over 25 years and is also the developer of the property. The final clarification is to the term "capacity" to mean "or peak PM trips."

Rob Karlinsey further explained that the ownership language was added to this ordinance because there is no sunset clause and the 25 year clause was added in case option B was adopted earlier.

Councilmember Franich asked why there is no sunset clause in this ordinance. Mr. Karlinsey said that this ordinance addresses concurrency in general. The previous ordinance for trip transfers does sunset.

Carol Morris added that at the next reading the definition of "Owner" could be eliminated. She said that this ordinance is just clarifying that the trips are not owned by the developer. This was suggested because of a case in Redmond in which their trip transfer ordinance was interpreted to mean that the developer owns the trips in the CRC.

This will return for a second reading at the next meeting.

3. Lodging Tax Advisory Board – Skansie Brothers’ House Recommendation.
Sherry Johnson – 13216 Brekenford Drive. Ms. Johnson explained that she is before Council as a representative of the Lodging Tax Advisory Committee. Ms. Johnson thanked Council for their continued vision on behalf of tourism and gave an overview of the proposal to create a Visitor Center at the Skansie Brothers’ House. Ms. Johnson explained that this option has been considered by the Skansie Ad Hoc Committee, the Lodging Tax Committee, and it was included in the city commissioned Heritage Tourism Report. She explained that the goal is to for Council to consider this proposal in the 2008 budget process. She cited visibility, location, attractive addition to the waterfront experience, and the cross-marketing aspect as a few of the reasons that this is an ideal location for a visitor’s center. Ms. Johnson stressed that the downtown retail area is in jeopardy and that the Skansie House would be a great place to welcome both visitors and residents to the area. She explained that the charm and character of the structure would be retained and that its prominent location would become a starting point for the Heritage Tourism experience. The house could contain photos and artifacts to honor the fishermen, and especially the Skansie Family. Ms. Johnson cited other examples of why this would be the best spot for a visitor’s center. She said that one recommendation that came forward from the committee is that if Council decides to do a more extensive remodel is to sell the existing visitor’s center and use the proceeds.

Jim Pasin – 3212 50th St. Ct. NW. Mr. Pasin explained that several years ago when he served on Council, they moved to purchase this property to preserve the history of the community. He said that it is his opinion that if this property were to be used for this purpose, it is counter to preserving the history as was intended. He went on to say that he is unsure that the money being set aside is for this particular purpose. This is zoned waterfront commercial property and this proposal would require a Conditional Use Permit. Because it would be a public facility the city would be required to have off-street parking and so there are issues in converting the property. He asked, “do you really want to take a building like that and move an operation from an existing building that was donated for that type of purpose, and vacate it?” Mr. Pasin said that he is unsure of what the original agreement for granting the existing visitor’s center is, or whether the intent was for it to be sold. He strongly advised Council not to encourage this use, which would be detrimental to the property and the history of the community. He also said that he didn’t think that the funds should be spent for this purpose.

Linda Gair – 9301 No. Harborview Drive. Ms. Gair, downtown resident and business person for seventeen years, explained that she was on the Ad Hoc Committee and said that she totally disagrees with Mr. Pasin. She said that the best thing the city did was to buy this park. With the efforts of Lauren Lund and tourism in general, her business has increased 20% due to use of that park. She stressed that public money purchased the house and the public ought to get some use from it. A visitor’s center is a low-impact use, and it would be a great way to pay homage to the fishing families. She said that she is appalled that the netshed and house have sat idle.

Bill Fogerty – Downtown Business Owner. Mr. Fogerty said that he believes that it will take around \$300,000 to mitigate the house and asked that a community kitchen be included for civic organizations to use.

Jennifer Kilmer – 4218 Harborview Dr. Ms. Kilmer explained that they submitted a letter of support from the Gig Harbor Peninsula Historical Society. They were happy to do so because this proposal is in keeping with the results of the Heritage Tourism analysis. Their recommendation was to use the Skansie Home as a welcome center. The Historical Society is fully supportive of this use and described several uses that could be accommodated on-site such as visitor information, exhibits, and a community gathering place. She stressed that preserving our history does nothing if people don't have access, and this is a wonderful opportunity. Ms. Kilmer then addressed two issues; the first is whether it is big enough. She said that she submitted a few layouts to illustrate how furniture could be placed. The second issue is whether the museum would like to operate this as a satellite facility. She said that they would not have the capacity to do so, but would be more than happy to assist the city. She finalized by encouraging Council to consider a use that would maximize public access and said that the Historical Society would serve as a resource to present the history of the Skansie House for whatever choice is made.

Councilmember Young said that this has been a long-term goal of the Lodging Tax Committee and clarified that their budget has earmarked money as a capital reserve with the intent to use the funds for a visitor's center at that site. He said that he is unsure whether Council has taken a position on this proposal. He also said that there seems to be a misconception that the house will be transformed. The house has to be renovated and the issue is the best way to allow for public access. One idea is a visitor center, which would not change the look of the building. He said that Mr. Pasin brought up good points that need to be addressed. He said that he urged the Lodging Tax Committee to come forward now due to the upcoming budget cycle and recommended that Council take the project into consideration.

Councilmember Ekberg said that he hoped that Council would direct staff to look at some of these issues now, rather than waiting until the budget process. He said that a visitor's center / museum is a great use for that site. We need to have the issues, such as parking, researched before this can be discussed during the budget process and a decision can be made.

Councilmember Franich said that he thought Mr. Pasin brought up excellent points. He asked if any other public outreach had been done for uses at this site. Councilmember Young and Ekberg responded that this was the purpose of the Skansie Property Ad Hoc Committee.

Councilmember Franich then suggested a timelier outreach to the community rather than relying upon the Heritage Tourism Report.

Rob Karlinsey asked for clarification on whether staff should gather information for potential options. He suggested that other Committees such as the Parks Commission and DRB may have a stake in this. Mayor Hunter recommended obtaining input from the DRB, the Parks Commission and community outreach. He said that the traffic at the location is at Level "F" and so this, and parking really needs to be addressed.

Councilmember Young asked if a pre-budget retreat had been scheduled to discuss budget issues to be brought back for the budget workshops. Rob Karlinsey said that he was in favor, explaining that staff had already begun the process and so it would be good to obtain direction as soon as possible.

4. Maritime Pier. Rob Karlinsey said that Councilmembers Ekberg, Franich and Payne and Mayor Hunter formed an Ad Hoc Committee to study a potential Maritime Pier. There were meetings with the Fishermen's Club, the Waterfront Restaurant and Retail Association and the Port of Tacoma. Based on the input, he asked that Council give direction for staff to do the following:

1. Draft a proposal including a financial plan, potential uses, and timelines to locate the Maritime Pier at the Ancich/Tarabochia dock;
2. Apply for appropriate grant funding and pursue local government and community cooperation and participation; and
3. Explore and determine cost and feasibility of the Skansie Brothers property as a potential long-term maritime pier location (after expiration of the Ancich lease).

Councilmember Ekberg clarified that there were no universal agreements. But to get something in place more quickly, a recommendation was made to utilize the Ancich/Tarabochia dock where the boats are currently docked. He further explained that The Fishermen's Club feel that something should be located at the Skansie Brother's Park and at the downtown business meeting, there were positive and negative comments about this site. The mixing of the uses verses a more tourist-related use is an issue. Councilmember Ekberg voiced support for the Ancich/Tarabochia dock.

Councilmember Franich asked about the financial impact. Mr. Karlinsey said that a true cost has yet to be determined to retrofit the current dock and potential grant funding. He added that he thinks there is a better chance at the state level in about two years from now.

Councilmember Franich responded that this is a good plan and thanked the Ancich and Tarabochia families for considering this noble gesture.

Councilmember Ekberg said that doing this sends a positive message that the city is listening and wants to move forward.

Councilmember Payne emphasized that we need to focus on the here and now and look at permanent citing after we are well underway with the issues at hand.

Councilmember Franich said that he would like to discuss the feasibility of this at the upcoming budget retreat to determine whether or not to put general fund money towards the project. Councilmembers and Mayor Hunter concurred.

Mr. Karlinsey said that he hopes that staff can do items 1, 2, and 3 in-house in 2007, with action taken in 2008.

MOTION: Move to direct staff to draft a proposal including a financial plan potential uses and timeline to locate a maritime pier at the Anich/Tarabochia dock.

Franich / Payne – unanimously approved.

5. Concurrency Management Program – Consultant Services Contract. Steve Misiurak presented this contract to provide traffic analyses of all proposed development applications. He said that he and another staff person will be attending a two-day training session. He added that the work could begin in-house summer of next year at the earliest.

Councilmember Payne recommended a plan for transition of services to staff be included in any upcoming contract amendments.

MOTION: Move to authorize the Consultant Services Contract for David Evans and Associates, Inc. in an amount not to exceed twelve hundred fifty dollars for each concurrency test plus ten dollars per trip over ten as calculated in the ITE Trip Generation Rates.

Young / Ekberg – unanimously approved.

STAFF REPORT:

Gig Harbor Police Department - April Report. Chief Davis advised that an incorrect report had been included in the packet and that he has distributed the right information. He offered to answer questions. He said that in the future, the reports would be abbreviated and he would be presenting a monthly oral report and a comprehensive mid-year report.

Chief Davis then said that he was able to obtain the full price to purchase the police motorcycle from the Washington Traffic Safety Commission. He said that the Traffic Officer, Mike Allen, is doing well.

Councilmember Payne commented that the visibility of the take-home police vehicle program is paying off.

Rob Karlinsey reported that there were around 600 participants in the Street Scramble program on Saturday, crediting Laureen Lund with the huge success. He then said that the Conservation Futures Grant Application is due in two days. The city is applying to purchase the property adjacent to the park at Crescent Creek. He said that staff is

working on application for a couple of Salmon Recovery Grants for daylighting of Donkey Creek.

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

1. Remove from table: Naming of Estuary Park for consideration at the June 11, 2007 Council meeting. Councilmember Payne made the following motion.

MOTION: Move to remove the Naming of the Estuary Park from the table to be considered at the June 11, 2007 Council Meeting.

Payne / Ekberg – unanimously approved.

2. Minutes from the Operations & Public Projects Committee, May 7, 2007.

PUBLIC COMMENT:

Linda Gair – 9301 Harborview Drive. Ms. Gair said that regarding the maritime pier, she is not in favor of public funds going to private enterprise. She said that for the economic viability of the town, the pier needs to be built at Skansie. If done properly it will double the size of our investment in the park and will provide a wonderful place for visitors and residents. It would be a big mistake to not locate there and as a taxpayer, she does not want to pay for the Ancich/Tarabochia location. She stressed that it would not be a public access facility and people won't learn about the heritage of Gig Harbor. She added that the competition with the Uptown Center and Costco will put the downtown in big trouble and this is the time to do the hard thing. She said that it is time to bite the bullet on downtown parking and to share the parking in private facilities.

Councilmember Franich pointed out that the street vacation agenda item illustrates that when the city went to the 7200 s.f. minimum lot size; this is the type of thing you can end up with. He voiced concern that we need to protect the existing characteristics of our neighborhoods.

Councilmember Payne addressed comments by Mr. Pasin about the fees. He said that he knows staff went through a thoughtful process in developing the fees, and asked that this be kept track of in the future to recoup costs.


ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, May 30th, at 9:00 a.m. in Community Rooms A & B.
2. EPA Brownfields Grant Award Media Event – Eddon Boatyard, June 4th. Time to be announced.
3. Community Coffee Event – Tuesday, June 12th at 6:30 p.m. at the Civic Center.
4. Operations and Public Projects Committee – Thursday, June 21st at 3:00 p.m. in the Engineering/Ops Conference Room.
5. Planning / Building Committee Meeting – June 4th.

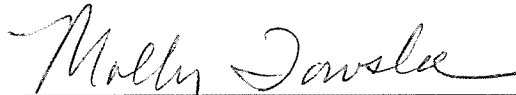
ADJOURN:

MOTION: Move to adjourn at 8:18 p.m.
Franich / Conan – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 28
Disk #2 Tracks 1- 27



Steven K. Ekberg, Mayor Pro Tem



Molly Towslee, City Clerk