

GIG HARBOR CITY COUNCIL MEETING OF JUNE 11, 2007

PRESENT: Councilmembers Young, Franich, Conan, Dick, Payne, and Kadzik. Councilmember Ekberg acted as Mayor Pro Tem.

CALL TO ORDER: 6:09 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 the City Council Meeting of May 29, 2007 and the Joint City Council / Parks Commission Worksession of May 21, 2007.
2. Receive and File: Operations and Public Projects Committee Minutes – 5/17/07; Intergovernmental Affairs Committee Minutes – 5/29/07.
3. Copier Maintenance Agreement.
4. 50th Street Improvements Final Plans, Specifications, & Estimate – Contract Services Contract.
5. Donkey Creek and Adjacent Estuary – Technical Review and Grant Support Services Contract Authorization.
6. NPDES Permit Water Quality Studies – Contract Authorization.
7. Approval of Payment of Bills for June 11, 2007:
Checks #53843 through #54009 in the amount of \$768,208.02.
8. Approval of Payment of Payroll for May:
Checks #4680 through #4710 and direct deposits in the amount of \$294,364.25.

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

OLD BUSINESS:

1. Public Hearing and Second Reading of Ordinance-Clarifying the Effect of a Transportation Capacity Reservation Certificate (CRC), and the Definition of an "Owner" and "Capacity". Steve Misiurak presented this ordinance to clarify various definitions.

Mayor Pro Tem Ekberg opened the public hearing at 6:03 p.m. No one came forward to speak and the hearing was closed.

MOTION: Move to adopt Ordinance 1091.
Kadzik / Conan – unanimously approved.

2. Naming of Estuary Park. Rob Karlinsey, City Administrator, explained that at the May 29th meeting, Council requested additional information on the names submitted for consideration. He said that that information had been gathered and included in their packets. He also said that additional recommendations were received from the Parks

Commission, Design Review Board and citizens, all which were added to the packet of information.

Sandy Elkin – 11925 Creviston Drive. Mr. Elkin spoke in favor of naming the park after the Austin Family. He gave an in-dept history of the family’s presence surrounding the site of the park. He explained that his late wife, Nancy, was the daughter of Ruth and Howard Austin and granddaughter of C.O. Austin and urged Council to name the park “Austin Estuary Park.”

Terry Shaw – 4032 Whitman, Tacoma. Mr. Shaw said that his grandfather was C.E. Shaw, little known celebrity and Gig Harbor activist. Mr. Shaw shared the history of Rooster Racing, the Round Rock Contest, and the 4th of July Parade; all events that his grandfather started. He read a long list of publications in which his grandfather was mentioned. Mr. Shaw said that there is no street or park named for his grandfather, adding that he would like to see a recreation of Roosterville in the city park as a fun tourist attraction. He then said that he agreed with naming the Estuary Park after the Austin Family.

Gretchen Wilbert – 8825 No. Harborview Drive. Ms. Wilbert voiced support of two ideas to honor the history of the Donkey Creek Neighborhood. The first is to name the park “Austin Estuary Park” and then reconsider renaming Austin Street to Shaw Street.

MaryBeth Austin – 1823 9th Ave. W., Seattle. Ms. Austin, granddaughter of C.O. Austin, said that she was here to support the naming of the park “Austin Estuary Park.” She passed out family photos and gave additional history of the property, her grandfather’s civic involvement and the lumber mill.

Gene Pearson – 7305 Soundview Drive Unit 502. Mr. Pearson said at the Austin Mill was a fixture in Gig Harbor and provided many jobs. He asked Council to continue the tradition of naming things after early settlers rather than using a name that has no meaning to those around this area. He asked that the park be named “Austin Estuary Park.”

Councilmember Payne thanked everyone for coming to speak and said that it is apparent that there are several individuals that forged the city’s history adding that the city needs to pay attention to this. He said that there had been an oversight in not recognizing Mr. Shaw and his contributions and he believes that this Council intends to take some action to do so. He said that he was made aware that the Native American village in this area was more aligned with Donkey Creek and that he would be interested in a discussion of renaming the Donkey Creek Park accordingly. He voiced support of naming the estuary “Austin Estuary Park.”

MOTION: Move to name the estuary park “Austin Estuary Park.”
Payne / Conan –

Councilmember Young explained that he would consider a better phonetic spelling of the name “Twa-wal-kut” if offered. He said that he feels strongly about using a Native American name for this estuary park to honor those who were here before us. He talked about how several of the Native American names around here are difficult to pronounce until you are used to them, adding that he would consider any of the proposed Native American names for this site.

Councilmember Franich said that naming the estuary Shaw or Austin would be more appropriate for the present, relevant history. He said that he supports the motion and likes the suggestion by Mayor Wilbert to rename Austin Street to Shaw Street.

Councilmember Payne said that in the beginning he was supportive of a relevant Native American name. He added that staff tried to elicit interest from the Puyallup Tribe, but very little was shown.

Councilmember Kadzik said that he too was inclined to go with a Native American name, but has been convinced that the Austin presence is more significant. He said that he supports naming the estuary “Austin Estuary Park.”

Councilmember Dick voiced appreciation for the additional information brought to Council. He shared Councilmember Young’s concern that the city has done nothing to honor those others who came before and contributed to the community. Groups of Native Americans shared this site, married other members of the community and this legacy is part of what we have become. He said that the Austin Estuary Park name is meaningful and appropriate, but he is more supportive of one of the Native American names.

Councilmember Conan added that he too wanted to find a Native American name for this site, but as he read more of the history, he realized that the seasonal village was located further back and closer to Donkey Creek Park. He said that he would like to reconsider renaming Donkey Creek Park as there was never a formal naming process, and acknowledge the Native American presence there with a display or marker. He said that the information shared by Mr. Elkin illustrates the Austin Family presence in that neighborhood and it would be a great opportunity to use that name for the park.

Councilmember Young agreed with the idea of renaming Donkey Creek Park for historical accuracy.

RESTATED MOTION: Move to name the estuary park “Austin Estuary Park.”
Payne / Conan – six voted in favor. Councilmember Young voted no.

NEW BUSINESS:

1. Proposed 2007 UGA Amendment to the Pierce County Comprehensive Plan.
John Vodopich presented the background information on this proposed expansion to the city’s Urban Growth Boundary to include just less than 25 acres of property in the

vicinity of the city shop. He explained that this same request was submitted by Paul Miller in 2003, and denied by Pierce County due to the presence of wetlands. He said that he has prepared a letter to Pierce County with a Council recommendation of either approval or denial.

Mike Krueger – Senior Planner for Pierce County Planning and Land Services – 2401 So. 35th, Tacoma. Mr. Krueger said that property in question has been in and out of the Gig Harbor UGA several times over the years. He explained that the reason this property was not included by Pierce County has to do with the extensive wetlands on both this and surrounding properties, and the considerable public testimony in opposition. In addition, the property would be zoned Employment District, and there is quite a bit of vacant employment land already in the city. He offered to work around this technical issue if Council wanted the parcels to be included. He said that another issue to consider is access to the property, which is through a proposed senior housing development. Mr. Krueger finalized by stressing that Pierce County would work with whatever decision Council makes.

Paul Miller. Mr. Miller gave the background for the attempts to have this property included in the city's UGA, explaining that the only access to this property is 90th Street which comes through an industrial zone in the city. He said that they will not develop anything that is incompatible with the proposed retirement center. He then addressed the wetlands, explaining that there is a ridgeline separating the four parcels from the property to the west, and that the wetlands will be appropriately dealt with in the planning process. He explained how in 2003 the City Council and the Peninsula Advisory Commission recommended these parcels be included back into the UGA, and he was originally part of an annexation effort until Superior Court held up the process. He said that when the Planning Commission discussed this, the discussion turned to the Buildable Lands Study and the tie-in with the Roby-Campen Annexation. These two factors weighed in on the decision to deny. Mr. Miller asked for a Council recommendation to include these parcels in the city's UGA.

Julia Martin Lombardy – 4910 Pt. Fosdick Drive. Ms. Lombardy read from a letter from Friends of Pierce County asking City Council to deny the U4 amendment proposal for the same reasons it was denied in 2003.

Councilmember Young commented that the real reason that this was opposed has little to do with the amount of different types of zoning capacity. He stressed that the property will develop whether in the UGA or not and the key issue is access through an industrial zone. The original denial focused on the properties to the north that would have access from Bujacich Drive which should remain more rural in character. Mr. Miller's property is not marketable for housing, but for expanding the Employment District. He said that it makes sense to include this property.

Councilmember Franich asked how the property got into the city's service area and whether the Growth Management Act prohibits the city from expanding into areas with wetlands as cited in the letter from Friends of Pierce County. Mr. Vodopich explained

that the property was included in the Urban Growth Area when it was first established in 1998 and is part of the service area. He then said that he is unfamiliar with the case cited in the letter. Carol Morris, City Attorney, also said that she was unfamiliar with this case, adding that she is unaware of any prohibition in the GMA.

Mayor Pro Tem Ekberg asked if this issue was time sensitive or if it could be delayed until this could be further researched. Mr. Vodopich said that the County needs a response before June 25th. Ms. Morris offered to research the case now and come back later in the meeting with the information. Council agreed.

Councilmember Franich then asked for clarification on the Buildable Lands report in regards to ED Zoning. Jennifer Kester, Senior Planner, responded that Pierce County is currently updating the report and so she can only address the 2002 report. At that time, the city was over capacity on commercial or employment zones and slightly under in residential.

Councilmember Franich continued to say that he understands the concern with access to these parcels, but he didn't think changing 24 acres of R-5 into more intensive use is the best thing for the community.

Mayor Pro Tem Ekberg announced that Council would move on to the next item and then come back to this when the City Attorney returns.

2. Resolution – Parks Naming. Rob Karlinsey introduced this resolution requested by Council establishing a policy for parks naming.

MOTION: Move to adopt Resolution No. 717.
Young / Payne – unanimously approved.

3. Proposal for Public Meetings Calendar – Peninsula Gateway. Molly Towslee, City Clerk, explained that this proposal will facilitate a weekly public noticing of all the city's meetings and events in a high-profile, legal and efficient manner.

Councilmember Kadzik commented that this is an ideal way to announce openings on our boards and commissions as well.

MOTION: Move to authorize the Mayor to sign the attached agreement outlining the publication of a weekly Public Meetings Calendar.
Franich / Kadzik – unanimously approved.

4. Public Hearing and First Reading of Ordinance – Two Ordinances Adopting Text Amendments Recommended in Phase 1b of the Design Review Process Improvements Initiative (Zone 07-0023 & 07-0024). Jennifer Kester presented the information on these two ordinances that will amend the current Design Review process and procedures to remove barriers to projects utilizing the DRB review, and allow the process to more closely align with the development process to facilitate earlier and

more meaningful review. She said that the amendments will also add administrative options to reduce permit processing times.

Councilmember Young asked if the date that the Design Review Board will review a project is moved up, but the applicant is not waiving the 120 day requirement, how the project will meet the deadline.

Ms. Kester explained that this will allow design review to run concurrently with the permit processing rather than waiting until the very end, which can result in limited input from the design review process.

Councilmember Payne asked how this could be tracked internally to stay within the 120 day time limit.

Tom Dolan, Planning Director, responded that this is a recognized challenge and that remaining compliant with the 120 timeframe requirement is paramount. He explained that the automated permit tracking system will help, and staff will be challenged to provide constant updates to the permit status. He reassured Council that there is a provision to come back in one year with an update on how the process is working. He further explained that there is a module to the permit-tracking software that will help them track time that they will implement. Until then, manual tracking is being used.

Councilmember Franich asked for an example of minor adjustments to Hearing Examiner decisions and the administrative review of alternative designs. Ms. Kester responded that a good example of a minor adjustment to previous DRB recommendations would be the Costco project and a retaining wall that had to be added due to the finished grade. Examples of alternative design solutions are the addition to Councilmember Franich's house and the finish on the tenant improvement at Olympic Plaza. Councilmember Franich then voiced concern that that could lead to subjective decisions, adding that he prefers a black and white code to be followed. He said that he would discuss this further with staff to get a better idea for when this process would be used.

Councilmember Dick asked that in the event staff is unable to complete the underlying permit in 120 days, what portion of the permit would be vested. Ms. Kester clarified that currently, design review administrative process doesn't require the 120 days waiver; it's only if a project goes before the Design Review Board. She said that the changes would allow the applicant to go to the Design Review Board early in the process and so there shouldn't be any issue with meeting the deadline.

Councilmember Kadzik asked the reason for removing the clause that the DRB shall not review applications that are not compliant with all other applicable codes. He voiced concern for two reasons. Recently, an applicant attempted to get a large project approved by the DRB that didn't meet the requirements of the underlying zoning, and then tried to use the design review as a legitimate stamp of approval. His second concern is the tremendous waste of staff and volunteer resources. He compared this to

a design that needs a variance, saying that it seems that a good argument would need to be made to allow that to go forward.

Ms. Kester responded that staff and the board members will clearly let the applicant know the extent of the board's authority for approval. She offered to work with the City Attorney to add language to the ordinance that the Design Review Board would not be able to review projects in which the uses aren't allowed.

Councilmember Young agreed that the time spent is a significant waste, using a project on Point Fosdick as an example of an applicant that wanted the DRB to give approval in order to take that to the Hearing Examiner as an indication that the project was okay. He then asked about the time module for the permit tracking software, stressing that this is a priority and he would be uncomfortable passing these amendments without this feature.

Tom Dolan said that he would research the program's current capabilities and report back.

Mayor Pro Tem Ekberg opened the public hearing at 7:26 p.m.

Chuck Carlson – 3505 Harborview Drive. Mr. Carlson, member of the Design Review Board for two years, spoke in favor of the amendments. He explained that an applicant is going to utilize their architect in order to maximize the property, and so by the time it reaches design review, a lot of money has already been expended and the board's hands are tied. If an application were able to be reviewed at an earlier stage, it would give the opportunity to make it a better project.

Councilmember Young asked if the pre-application meetings were being used. Mr. Carlson responded that yes, and they are very helpful.

There were no more public comments and the hearing closed at 7:29 p.m.

Councilmember Kadzik said that other than the underlying zoning concerns, he thinks these are great amendments and the design review process has gone through tremendous evolutionary process to become a more professional document. He shared a few housekeeping items to correct before the next reading of the ordinances. On page 4 of 16, 17.78.030 – Landscape Plans, the language "significant vegetation plan and tree retention plan" should be capitalized. He then said that he could not find 17.78.050(B) which is referenced in this same section. Ms. Kester said that this was adopted in the recent Phase I-A text amendments.

Councilmember Kadzik then mentioned that if these amendments are adopted, there would be additional methods of approval and he would like to see them all listed in 17.99.030. Ms. Kester agreed to add this language.

Carol Morris returned at this time with the information on the proposed UGA amendment. She explained that the decision cited was 67 pages long, but she could not find the language referenced in the letter. She said that it refers to allowing urban type development in UGAs, which are supposed to be designated urban which according to the Growth Board is four dwelling units per acre. The exception is where there are environmentally sensitive areas. They are asking "Is this consistent with a UGA?"

Councilmember Young said that their concern is making sure that you do not put rural development into a city versus urban development into a rural area. Ms. Morris agreed and added that the letter does not exactly state the holding of the board. She further clarified that the letter is saying that GMA prohibits expanding urban growth areas into lands with extensive critical areas. That language doesn't appear in the decision that was cited in the letter. The decision says that you shouldn't expand UGA into areas that are not going to be characterized by urban growth, defined as four dwelling units per acres, unless there are environmental constraints on the property.

Councilmember Young said that any extension of the UGA is going to be into rural zoning. He also said that what should be considered is whether the wetlands are a big deal.

Councilmember Franich asked for further clarification on the original approval of this property for inclusion in the UGA by Pierce County and whether the GMA requirement that urban development shouldn't intrude into rural areas was considered.

Mr. Krueger responded that there are county-wide planning policies that affect the location of Urban Growth Boundaries and cities participate in the process. The County has adopted policies in the Comprehensive Plan that specifically address issues in terms of when it's appropriate for cities to expand. Primarily they look at a demonstrated need for capacity for the types of uses that would be added. Another policy addresses critical areas. When there are constraints, they become the lowest priority for inclusion. He then said that they also find it important to coordinate with cities because they understand there are needs and desires in terms of future municipal growth. He said that he would have no problem saying that inclusion of this property is the direction that the city would like to grow. He then addressed the letter from The Friends of Pierce County, saying that the case cited particularly pertains to this. He agreed that any time that a city expands their UGA, they are moving into a rural area, which is expected. The big question is where are the most appropriate places for the expansion to occur and a demonstrated need.

Mayor Pro Tem Ekberg said that he disagrees that the city needs to expand the UGA into critical areas for more Employment District zoned property.

Councilmember Dick said that he too shares that view point. May be at some time the development around this property will justify the expansion into an area that is predominantly wetland.

MOTION: Move to ask the Mayor Pro Tem to sign the letter to Pierce County recommending that they accept the amendment U-4.
Young / Conan – roll call vote.

Councilmember Young – yes; Franich – no; Ekberg – no; Conan – yes; Dick – no; Payne – no; and Kadzik – yes. The motion failed four to three.

John Vodopich asked for clarification on whether to send the letter recommending that Pierce County deny the amendment.

MOTION: Move to authorize the Mayor Pro Tem to sign the letter to Pierce County to deny the amendment U-4.
Franich / Dick – motion passed four to three. (Same as previous roll call vote)

5. Plan Review Services – Building Division – Contract Authorization(s). Dick Bower, Building Official / Fire Marshal, presented these contracts that will allow them to have help reviewing building plans when staff is overwhelmed with applications. This will also help to meet the goals for turnaround time. He addressed questions on whether this would equate into a request for another FTE in the next budget cycle. He explained that the services might equate to one-quarter of a full-time plan review position. He further explained that this will allow them help with some of the more complex commercial projects so that current staff can concentrate on inspections.

MOTION: Move to approve contracts with Eagle Eye Consulting Engineers and CWA Consultants for on-call plan review services.
Payne / Conan – unanimously approved.

6. Request for Reconsideration of Hearing Examiner's Decision #SUB 05-116. Carol Morris explained that the Hearing Examiner had a typo in her decision and this requests her to correct the error. She said that there would be a proposed amendment to the ordinance so that these types of mistakes can be corrected without having to come before Council.

MOTION: Move to approve the filing of the Request for Reconsideration attached hereto with the Hearing Examiner for SUB 05-1116.
Franich / Payne – unanimously approved.

STAFF REPORT:

Richards Request to Purchase City Property. John Vodopich, Community Development Director, explained that there has been a request to purchase 6300 square feet of property that the city owns in fee in the vicinity of the old State Patrol office. He said Carol Morris is recommending a competitive bidding process if Council is inclined to sell.

Councilmembers discussed whether to keep the property for a future pocket park or for open space rather than using it as a potential revenue source. Staff was directed to come back with more information on the valuation of the property and what options are available. A suggestion was made to ask a commercial agent rather than paying for an appraisal.

Mr. Vodopich then explained that a traffic accident severely damaged a traffic pole and a resolution will come before Council at the next meeting waiving the competitive bidding process based on an emergency declaration. Rob Karlinsey added that the City Engineer has the authority to move forward with the repairs for safety reasons.

Rob Karlinsey said Council tabled a Downtown Parking Strategy a couple of months ago, and because there is \$30,000 budgeted for Downtown Parking, staff developed another strategy more in line with Council's wishes. He suggested approaching the owner of vacant property near Pioneer and Harborview to discuss a lease to use the site for public parking. He said that he will come back with a lease proposal for Council review. Council concurred.

Mr. Karlinsey announced that the Association of Washington Cities Conference is being held in Tacoma this week and is tailored for elected officials. He said that the agenda has several useful courses and strongly encouraged Councilmember to attend.

PUBLIC COMMENT: No one came forward to speak.

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

Mayor Pro Tem Ekberg said that he hopes that everyone had a great time at the Maritime Gig. He said that the city looked outstanding and complimented Dave Brereton, the Public Works crew, and the other city employee for always making it such a wonderful event.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, June 27th at 9:00 a.m. in Community Rooms A & B.
2. Community Coffee Event – Tuesday, June 12th at 6:30 p.m. in the Council Chambers.
3. Finance and Safety Committee – Wed., June 13th at 4:00 p.m.
4. Operations and Public Projects Committee – Thurs. June 21st at 3:00.

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


Rob Karlinsey asked if the Executive Session could be postponed until the next meeting. Council agreed.

Mayor Pro Tem Ekberg announced that Council would adjourn this meeting and go into the Community Rooms to hold the Public Safety Workshop.

ADJOURN:

MOTION: Move to adjourn at 8:06 p.m.
Franich / Payne – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 37
Disk #2 Tracks 1- 20



Steven K. Ekberg, Mayor Pro Tem



Molly Towselee, City Clerk