

GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 24, 2007

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

CALL TO ORDER: 6:02 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of Sept. 10, 2007.
2. Receive and File: a) Parks CPI Worksession of Sept. 10, 2007
3. 45th Street Pedestrian Improvement Project – Construction Contract Authorization.
4. 45th Street Pedestrian Improvement Project – Materials Testing Services Contract.
5. Benson Street Water Main Materials – Purchase Authorization.
6. Liquor License Renewals: Fred Meyer Marketplace; Gig Harbor 76; Harvester Restaurant; QFC #864; and QFC #886.
7. Approval of Payment of Bills for Sept. 24, 2007:
Checks #55361 through #55490 in the amount of \$582,816.34

MOTION: Move to approve the Consent Agenda as presented.
Franich / Kadzik – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Transfer of Pierce County Right-of-Way: 36th & Point Fosdick and Peacock & Borgen Blvd. Stephen Misiurak, City Engineer, presented this ordinance that would transfer right of way in two locations in which newly constructed roundabouts are partially located on county property. He read several changes made to the ordinance at the recommendation of the city attorney.

Because there is no time constraints, Council requested that a corrected version be brought to them before adoption.

MOTION: Move to bring the corrected ordinance back for a third reading.
Ekberg / Young – unanimously approved.

2. Second Reading of Ordinance – Amending the Environmental Review (SEPA) Chapter 18.04. Jennifer Kester, Senior Planner explained that this ordinance will incorporate changes adopted by the Washington State Legislature. She recommended one change to language in 18.04.040 (A) to allow the Planning Director to designate in writing another SEPA Official in his or her absence. She answered Council questions.

MOTION: Move to adopt Ordinance 1103 as amended.
Young / Ekberg – unanimously approved.

NEW BUSINESS:

1. Resolution – Rejecting Comprehensive Plan amendment applications COMP 07-0005 and COMP 07-0006 for processing during the 2007 Comprehensive Plan annual cycle. Jennifer Kester presented this resolution based on the Council decision at the last meeting.

MOTION: Move to adopt Resolution No. 726 rejecting Comprehensive Plan amendment applications COMP 07-0005 and COMP 07-0006 for processing during the 2007 annual cycle.

Young / Ekberg – unanimously approved.

2. Public Hearing and Resolution – Six Year Transportation Improvement Plan (TIP). Steve Misiurak presented the annual update to the Six-Year TIP.

Mayor Hunter opened the public hearing at 6:17 p.m.

Karl Geist – 3709 Picnic Point Drive NW. Mr. Geist voiced his interest in the traffic plan adding that when he was chairman of the Peninsula Advisory Committee he recognized that the transportation element of the plan is inadequate. He asked how people who don't live in the city can provide input and asked for clarification on the funding, and how project priority is set. He stressed that the Wollochet Interchange Improvements listed as number 20 should be higher on the list. He said that he came to hear more information and commented on the lack of a presentation.

Mayor Hunter explained that a workshop on a more specific list of projects is scheduled at the end of this meeting and invited Mr. Geist to stay.

Staff responded to a request by Council to further explain the difference in the TIP and Transportation Element of the CIP. Steve Misiurak stressed that staff will be initiating a 20-year "look-ahead" plan, and amendments to the TIP would come from the identified deficiencies.

No one else from the public came up to speak and the public hearing closed at 6:36 p.m.

After further discussion on the Six-Year TIP, Councilmember Young recommended that that Hunt Street Underpass be eliminated from the list, as it has legal ramifications in regards to impact fees. He also agreed with comments that the TIP should be brought back after a more thorough prioritization of projects is done.

Carol Morris explained that the deadline to adopt the Six-Year TIP is July 1st, but she is unaware of any consequences of not doing so. Councilmember Payne said that he sees this as an administrative tool set by state regulations, and that he is comfortable

with passing it as is. Councilmember Franich said that he thought it should come before the Operations Committee and made the following motion.

MOTION: Move to refer this back to the Operations and Public Projects Committee for further review.
Franich / Young –

Councilmembers further discussed further delays in adopting the document and the impact of the listed projects on transportation impact fees.

RESTATED MOTION: Move to refer this back to the Operations and Public Projects Committee for further review.
Franich / Young – Councilmembers Dick and Franich voted yes. Councilmembers Ekberg, Young, Payne, and Kadzik voted no. The motion failed.

MOTION: Move to amend the Six-Year TIP to strike priority number eight, Downtown Parking Garage.
Young / Franich –

Councilmember Franich said that this project is premature and disagreed with bonding to pay for it. He asked to see the results of the informal study and would like a definition of underground parking.

Councilmember Ekberg asked if the garage is removed, if the downtown parking lot on the exiting TIP will be completed this year. Mr. Misiurak responded that it would.

Councilmember Young said that the TIP is the first step in calculating impact fees. You determine the total dollar amount that is growth related, divide the amount on a per-trip basis and developers pay impact fees based on that amount.

Carol Morris clarified that the impact fee calculation and formula is based on a separate project list comprised of projects that are growth related and are included in the Comp Plan and/or the TIP. When the impact fee ordinance is amended, a new list of projects is also adopted.

Councilmember Young thanked her for the clarification, and withdrew his motion to amend the TIP.

Councilmember Dick said that he is still unclear of the relationship between the TIP and the Transportation Element of the CIP, and the use of real estate excise tax for funding. Rob Karlinsey said that staff tried to reconcile that anything on the CIP would be listed on the Transportation Improvement Plan. He said that the CIP is an internal document used as a tool by the Finance Director to develop the five-year forecast for budgeting purposes. He then clarified that these projects are also listed in the Capital Facilities

Element of the Comprehensive Plan so that they can be funded with real estate excise taxes.

MOTION: Motion to approve Resolution No. 727 adopting the Six-Year Transportation Plan.
Payne / Ekberg – five voted in favor. Councilmember Young voted no.

3. First Reading of Ordinance – Amendment to Public Works Standards – Decorative Traffic Poles and Street Lights. Steve Misiurak presented this ordinance that would require decorative traffic signal poles for all new poles. He answered questions about the design. This will return for a second reading at the next meeting.

4. First Reading of Ordinance - Utility Extension - Elimination of Zoning Requirement. Carol Morris, City Attorney, presented the background on this ordinance that repeals the city's authority to impose development requirements on property outside the city limits in order to receive utilities. She explained that this is a result of a recent court case, and if the court reverses the decision, the city can readopt the requirement. She recommended that Council consider the option adopted by Marysville that property owners cannot obtain utilities unless they annex, which was upheld by the Growth Board.

Councilmember Dick asked about leaving in the requirement until the case decision is sustained. Ms. Morris recommended against this explaining that the city has held itself out as a provider of sewer and water in this area, and per the court decision, the requirements to conform to zoning and comprehensive land use plans are not valid conditions of providing water and sewer. The only way the city can deny provision of these services is for capacity related issues.

Councilmember Franich voiced concern with losing control of development standards in the UGA. Councilmember Dick asked for clarification on whether the city is required to provide utilities in the UGA and if this can be changed.

Ms. Morris responded that the city has provided service outside city limits, and the argument can be made that it is the only provider of sewer and therefore, has a duty to provide utilities.

After further discussion, Councilmembers directed the City Attorney to draft an ordinance that property owners could not obtain utilities unless they annex to the city rather than proceeding with this proposed ordinance.

5. Resolution Setting a Public Hearing Date – Prentice Avenue & Benson Street Vacation Request – Todd Block. David Brereton, Community Development Director, presented this petition to vacate a portion of Benson Street and Prentice Avenue abutting his property. This resolution sets a hearing date of October 22nd.

Councilmembers directed staff to develop a standard checklist of information, including a closer proximity GIS map, to be included with all street vacation requests.

MOTION: Move to adopt Resolution No. 728 as presented.
Young / Ekberg – unanimously approved.

6. Resolution Setting a Public Hearing Date – Prentice Avenue & Benson Street Vacation Request – Douglas & Annette Smith. This was discussed during the previous agenda item.

MOTION: Move to adopt Resolution No. 729 as presented.
Young / Kadzik – unanimously approved.

7. Westside Park Design Services Contract Amendment #1–Hough Beck & Baird Inc. David Brereton, Community Development Director, presented this amendment to the design contract to develop plans, specifications and bidding documents for approval by the City and IAC prior to seeking bids for construction in February of 2008.

MOTION: Move to authorize the amendment to the Consultant Services Contract with Hough Beck & Baird Inc. for the completion of final plans, specifications, estimate and formal bid documents for the Westside Park Project.
Young / Dick – unanimously approved.

8. Development Services Process Improvements Contract Amendment. Rob Karlinsey presented this contract amendment with Kurt Latimore to help improve the seamlessness and customer service and permit tracking processes.

MOTION: Move to amend the Latimore Contract for review and analysis of internal development services processes.
Payne / Kadzik – unanimously approved.

STAFF REPORT:

1. Burnham/Sehmel Wetlands Study. Tom Dolan, Planning Director, presented the background information on Council's request to determine the amount and location of wetlands within this annexation. He presented the proposal from Grette and Associates to perform the wetland and stream study for \$25,584.00. He asked whether Council wished to pay the entire amount, some portion, or ask the applicant to bear the entire cost of the proposed contract.

Councilmembers discussed available funds and whether this would set a precedent. Staff responded that there are funds available and clarified that the concern on the part of the applicant is due to the increase of the proposed annexation by four times at Council's request. The argument could be made that the precedent is similar participation by the city due to these circumstances.

Councilmember Franich voiced concern that this annexation is mostly residential with infrastructure costs to the city. Tom Dolan responded that the Finance Director has determined that there would be a net gain to the city.

Councilmembers commented that if the property is developed in the county, the city roads would be affected but we would not receive any impact fees. There will also be lost revenue from sales tax of construction and property tax.

Staff was asked to bring back a better map of the overview of wetland locations.

Barb Magnuson – 5801 108th Street NW. Ms. Magnuson, the applicant, clarified that a large portion of the property is zoned commercial and partially developed. The remainder east of Sehmel Drive will be developed shortly.

Councilmembers asked for a breakdown of the zoning when this returns for consideration.

MOTION: Move to direct staff to bring back a contract with Grette and Associates and have the city pay for the full amount.
Young / Payne – five voted in favor. Councilmember Franich voted no.

2. Creating Unique Places and Enduring Legacies Conference. Rob Karlinsey reported that this upcoming conference will address cottage industry / affordable housing and recommended that a representative from Council and Staff attend. Councilmember Kadzik volunteered to attend.

3. Proposed Closure of Olympic & 56th. Steve Misiurak presented the background on the upcoming roadway improvement project, explaining that a deep sewer line and other underground structures are first part of the project to be completed. He said that due to weather, safety issues and traffic control, the contractor has requested closure of the 56th and 38th intersection for four days to be able to perform the work. The contractor will work 24 hours a day to minimize closure. In addition the contractor will be required to provide a full detour plan and outreach communication plan. Mr. Misiurak said that the Operations Committee recommended that this be brought to the full Council for discussion.

Councilmembers discussed the impact of the 4-day closure as opposed to the 16-20 days of flagged traffic and thanked staff for the thorough communication plan. Chief Davis was asked to step up patrols in the Briarwood and other neighborhoods which will become the thoroughfare for the detour.

Mr. Misiurak further addressed the signage plan for the construction work. He was asked to make sure that adjustments to the contract be made as a result of the savings due to the shortened construction time.

PUBLIC COMMENT: None.

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

Councilmember Ekberg reported that the cover of the latest version of SEA Magazine has the title “*Gig Harbor, the greatest view of the West*” with an accompanying article about our wonderful city, which is followed by an article about the opening of the new Narrows Bridge.

Councilmember Kadzik said that Council should have received an e-mail regarding a possible field trip to Bainbridge and Port Townsend to see the Mainstreet Program in place.

Councilmember Payne praised Laureen Lund, Marketing Director, for the 15 second mini-commercial on the Northwest Channel, which is very nicely done.

Councilmember Payne then asked for clarification on whether the issue of non-conformity of the tri-plexes on Harborview Drive is being addressed. Tom Dolan responded that this will be forwarded to the Planning and Building Committee for initial discussion in early October, and the intent is to bring it to Council for direct consideration after that.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, October 24th, at 9:00 a.m. in Community Rooms A & B.
2. Planning & Building Committee – Monday, October 1st, at 4:30 p.m.
3. Special Council Meeting/Downtown Business Strategy – Monday, October 1st, at 6:00 p.m.
4. City Council/Parks Commission Joint Worksession – Wednesday, October 3rd, at 6:00 p.m. in Community Rooms A&B.

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

MOTION: Move to adjourn to Executive Session at 7:54 p.m. for the purpose of discussing pending litigation for approximately thirty minutes.
Franich / Young – unanimously approved.

MOTION: Move to return to regular session at 8:19 p.m.
Franich / Young - unanimously approved.

MOTION: Move to direct the City Attorney to file an appeal on the Courtyards at Skansie.

Franich / Kadzik - unanimously approved.

WORKSTUDY SESSION: Capital Improvement Plan: Transportation

Council recessed into the workstudy session at 8:20 p.m. and reconvened at 9: 37 p.m.

ADJOURN:

MOTION: Move to adjourn at 9:38 p.m.
Ekberg / Young – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1-33
Disk #2 Tracks 1-14



Charles L. Hunter, Mayor



Molly Towslee, City Clerk