

GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 26, 2007

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

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of November 13, 2007.
2. Right-of-Way Easement Agreement – Harbor Crossing Offsite Access Road – Lot Four.
3. Right-of-Way Easement Agreement – Towne Plaza.
4. Storm Water Facilities Maintenance and Restrictive Covenant Agreement – Lydian Place.
5. Sanitary Sewer and Stormwater Facilities Easement and Maintenance Agreements – Towne Plaza.
6. Escrow Agreement for Retainage – Olympic/56th Roadway Improvements.
7. Liquor License Renewals: The Harbor Kitchen; Terracciano's; Half Time Sports.
8. Approval of Payment of Bills for Nov. 26, 2007:

MOTION: Move to adopt the Consent Agenda as Presented.
Franich / Ekberg – unanimously approved.

OLD BUSINESS:

1. Final Public Hearing and Second Reading of Ordinance – 2008 Proposed Budget. David Rodenbach, Finance Director, described the changes that have been made to the proposed budget since its last reading. He explained that the \$25,000 transfer from Hotel / Motel Tax to the General Fund for the Historical Society first year contribution had not been included in these changes and invited Lauren Lund, Marketing Director, to explain.

Ms. Lund explained that without sufficient noticing time to hold a meeting of the Lodging Tax Advisory Board to discuss this budget amendment she asked them for input via e-mail; five voiced support, four did not. She added that there is money budgeted for advertising to help promote the opening of the new Historical Society. Mr. Rodenbach said that this transfer could be done after the LTAC meets in January if Council desires.

Mayor Hunter opened the public hearing at 6:06 p.m. and closed it as no one came forward to speak.

MOTION: Move to adopt Ordinance No. 1111 adopting the budget for 2008.
Young / Conan –

Councilmember Franich said that he hoped other Councilmembers had an opportunity to review his proposed amendments to the budget.

MOTION: Move to amend the budget to fund \$25,000 of the \$80,000 for the Historical Society with Hotel / Motel tax fund dollars.
Franich / Ekberg –

Councilmember Dick clarified that the Hotel / Motel Tax has limited purposed for which it can be expended and change in use of the funds requires a 45 day notice and comment period to the LTAC before final action can be taken. That is why this amendment must wait. Carol Morris, City Attorney, agreed with this summary and cited RCW 67.28.1817 as the appropriate statute.

Councilmember Young said that the next LTAC meeting is scheduled for January 10th and an amendment can be made to the budget after they hold their meeting and get back to Council with comments. He added that the committee is very supportive of the History Museum, but there is confusion about the amendment.

Councilmember Franich clarified that when the city discussed funding the Historical Society a year ago, it was agreed that \$25,000 of the total contribution would come from the Hotel / Motel Tax budget. He said that he has no problem with the timing, but want to make sure it is addressed. He withdrew his motion and Councilmember Ekberg withdrew his second.

Councilmember Franich then commented that there is a tremendous General Fund in this budget. He said that more money should have been found for projects that are being bonded. He made another motion to amend the budget.

MOTION: Move to amend the budget to eliminate the Judson Street Improvements and our portion of the Cushman Trail money with bond money.
Franich / -

The motion failed for a lack of a second. Councilmember Franich continued to explain that he has a hard time spending 1.6 million on salaries and benefits and creating new positions.

MOTION: Move to amend the budget to eliminate the reference to creating an Assistant City Administrator position through attrition.
Franich / Ekberg –

Councilmember Dick asked if there are dollars associated with this position and if so, where they would go in the budget. Councilmember Franich clarified that even if there are no funds allocated this is the first step to the creation of this position. He reiterated what he said at the last meeting that the City Administrator seems to have a great deal of manpower at his disposal without this additional position.

Mayor Hunter stressed that this year there will be 26 or more million dollars in capital facilities projects. The city is doing more in a shorter amount of time, and the increase in reporting, record keeping, and ongoing day to day requirements of managing this large a budget requires increased help.

RESTATED MOTION: Move to amend the budget to eliminate the reference to creating an Assistant City Administrator position.

Franich / Ekberg – roll call vote.

Ekberg – yes; Franich – yes; Dick – yes. Young – no; Conan – no; Kadzik – no.

The Mayor is unable to vote to break a tie when it involves a budget item and so the motion failed. It was determined that this could be brought back for reconsideration at the next meeting.

MAIN MOTION: Move to adopt Ordinance No. 1111 adopting the budget for 2008.

Young / Conan – five voted in favor. Councilmember Franich voted no.

2. Second Reading of Ordinance – Provision of Water & Sewer Outside City Limits. Carol Morris presented the background information for this ordinance allowing the provision of water and sewer to areas in the UGA only upon annexation. She mentioned that Council received a letter from Mr. Dorsey of North Pacific Design, and she had forwarded a copy of the Growth Management Board Case the upheld a similar ordinance.

Mark Dorsey – North Pacific Design, 2727 Hollycroft. Mr. Dorsey urged Council to take a closer look at the issues and pitfalls of the proposed ordinance. He presented a follow-up letter from the Law Office of Jane Kohler urging Council not adopt the ordinance until all the questions are answered. He voiced concern that the ordinance does not address non-contiguous properties, nor resolve the discretionary annexation provision.

John Alexander, Master Builders Association. Mr. Alexander said that they think its best if the city requires a no-protest type of ordinance.

Councilmember Franich voiced several concerns with the ordinance; language from the RCW's that reads "...and when such services are financially supportable at rural densities and do not permit urban development;" the issue of a property owner not contiguous to the city limits wanting to connect to the sewer and forcing other property owners into an annexation; and that this ordinance would not limit sewer extension outside the Urban Growth Area to municipal corporations or quasi-municipal corporations.

Councilmembers and staff clarified that extending sewer any length would require the property owners along the route to pay for the extension before it could go forward. The

city is not responsible to pay for an extension and retains total control. The annexation process was described, clarifying that a property owner non-contiguous to city limits would not be able to use this process without the inclusion of other properties.

Carol Morris addressed the concern with extending sewer outside the UGA to only municipal corporations or quasi-municipal corporations. She explained that anyone who meets the qualifications under GMA is allowed to request water or sewer service; there is no basis to distinguish between these organizations and the general public and so this ordinance eliminates this distinction.

Councilmember Young voiced sympathy with the concerns expressed, but stressed that because of the recent court decision, the city has no control over development in the UGA without this ordinance. Councilmember Ekberg agreed, adding that he hopes that it will be a short term solution until we can work with Pierce County to have our zoning overlaid in the UGA.

MOTION: Move to adopt Ordinance No. 1112.
Ekberg / Conan – five vote in Favor. Councilmember Franich voted no.

3. Second Reading of Ordinance – Alternative to Sewer Concurrency Processing. Carol Morris presented the background for this ordinance providing an alternative method for processing applications during the period of no sewer capacity. She referred to a letter from Randy Boss requesting an amendment that allows expired reserve capacity to go back into the pool and be available on a first come basis for new applicants. Ms. Morris said that this procedure is currently being employed and is outlined in the city's existing concurrency ordinance.

Randy Boss. Mr. Boss voiced concern that during the interim period while applicants are waiting for the improvements to the Wastewater Treatment Plan, if CRCs return to the pool the applicants on the list cannot access these, and someone new could apply for concurrency. He suggested adding "until required capacity can be satisfied," to the second line on page six of the ordinance to clarify the intent and solve a potential problem.

Ms. Morris responded that the concurrency processing occurs in Chapter 19.10 of the code and is on a first-come, first-serve basis. It would not allow a newcomer to get capacity if others are already waiting in line. She didn't recommend making the suggested amendment because the language in the ordinance sets a date for when applications are processed that is Council controlled. If the suggested language is inserted, the processing date becomes a debatable issue and could possibly be appealed.

John Alexander – Master Building Association. Mr. Alexander recommended that Council allow an extension of the sunset date in the ordinance if the Treatment Plant completion is delayed.

Ms. Morris responded that Council could amend the ordinance to extend the date, but recommended that the length of the extension should not be too long because this ordinance give developers vested rights.

MOTION: Move to adopt Ordinance 1113.
Ekberg / Young – unanimously approved.

4. Second Reading of Ordinance – Comprehensive Plan Amendment Application Requirements. Carol Morris presented this ordinance that removes the requirement for a zoning map application as an element of a complete application for a comprehensive plan amendment.

Councilmember Franich asked the drawbacks to changing the zoning map to match the comp plan map at the same time as a comp plan amendment. Ms. Morris explained that it is two separate processes and subject to different laws.

MOTION: Move to adopt Ordinance 1114.
Young / Conan – unanimously approved.

5. Second Reading of Ordinance – Smoking Ban in City Parks. Rob Karlinsey presented the background information on these four ordinances. The first would ban smoking in all city parks; the second would ban smoking in all city parks exempting parking lots; the third would ban smoking in all city park play areas; and the fourth would ban smoking in the city skate park.

MOTION: Move to adopt Ordinance 1115 banning smoking in all city parks.
Dick / Ekberg –

Clerk Towslee explained that she collected a ranking of the four ordinances and smoking ban in all parks had the top ranking.

Councilmember Franich said that this is an infringement on public rights and there are no health reasons that justify this ordinance. This ordinance is subjective and arbitrary.

Councilmember Kadzik voiced concern that this would affect visitors at the city dock on their own boats.

RESTATED MOTION: Move to adopt Ordinance 1115 banning smoking in all city parks.
Dick / Ekberg – five voted in favor. Councilmember Franich voted no.

NEW BUSINESS:

1. Ed Hoppen Memorial – International Thunderbird Boat Association. Laureen Lund, Marketing Director explained that the association had talked with both the Parks

Commission and the Arts Commission; both gave input and offered favorable support for the art project. She said that the ITBA is seeking Council concurrency before moving forward with fundraising efforts. She explained that the piece would be funded entirely through private funds and they will come back to Council with a final design for approval. She mentioned that a representative of the group, John McMillan is present to answer any questions.

Councilmember Franich asked about size and location. Mr. McMillan responded to a question of size. He explained that the conceptual picture is not drawn to scale. He agreed that six feet tall is large. Mayor Hunter added that it is far enough back so that people won't be able to touch it.

Councilmember Ekberg said that it is a great idea and location and the issues of durability and liability can be worked out. He said he would favor a 4-5 foot scale.

Council gave approval to move forward with the project.

2. Public Hearing and First Reading of Ordinance – 2007 Comprehensive Plan Amendments. Jennifer Kester, Senior Planner, presented the background on three Comprehensive Plan Amendments. The first would add both policies and a map related to Neighborhood Design Areas to the Community Design Element. The second amends the Transportation Element to adopt LOS standards for state-owned facilities, correct internal transportation funding inconsistencies and add polices to be consistent with Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies. The third amendment is to the Capital Facilities Element to update, revise and add to the city's list of Stormwater, water system, wastewater, parks and open space projects.

Mayor Hunter opened the public hearing at 7:13 p.m. There were no comments and the hearing closed.

Councilmember Young commented on the Neighborhood Design Areas regarding the transition of design requirements between adjacent neighborhoods and how some areas are divided by arterial roads. He voiced concern that this could result in different elements on each side of the same road.

Councilmember Conan responded that the intent isn't to have that distinct of a difference between neighborhoods and to incorporate transition areas.

Ms. Kester further addressed this concern said that during the first quarter of 2008, the Planning Commission would like to discuss how to apply these neighborhood design areas when there are transitions. She stressed that the majority of the city's requirements will still apply. Ms. Kester said that the proposed first step would be to take a look at the design standards as they relate to each neighborhood. Ultimately, there would be a process to develop sub-area plans to include transportation infrastructure, utilities, parks, parking, zoning, design standards specific to each area. At

this time boundaries can be adjusted. Some sub area planning would take longer than others depending on the complexity of the issues.

Councilmember Franich said he was concerned with the goal to promote vehicle connections between neighboring residential developments and the conflict that might arise.

MOTION: Move to strike section 3.11.2 from the Community Design Element of the Comp Plan.
Franich /

The motion failed for lack of a second.

Councilmember Conan said that there have been and continue to be improvements in pedestrian access on the Westside and he doesn't want the existing language to affect future development. Ms. Kester suggested changing that to "have been limited" rather than "are limited." She was asked to do so.

Councilmember Young said he is concerned in preserving existing trees on single-family residential lots due to windstorm damage. It was discussed that the paragraph reads "retained where feasible" and these issued would be taking into consideration. Ms. Kester responded that the Planning Commission understands that keeping trees on smaller lots would be difficult, but in the R-1 zone, there are no maximum lot size requirements. In the city there are sites with significant trees and so they discussed a policy to preserve significant heritage trees.

3. First Reading of Ordinance – Northharbor Business Campus Zoning Map Amendment. The circumstances of both this agenda item and the next are the same, and so were done at once.

Ms. Kester explained that in October 2003 the property owner asked the city to rezone these properties from RB-2 to Employment District. The Hearing Examiner approved the rezones for both sites, but at the second reading of the ordinance to amend the zoning map, the applicant asked Council to delay action until they worked on an interpretation of what allowed use in the ED Zone. Council tabled the ordinance until staff could come back with a recommendation. An administrative interpretation on ancillary uses was completed, then appealed by the property owner in December. The Hearing Examiner postponed the appeal at the city's and the applicant's request to allow completion of the Land Use Matrix which would clarify the ancillary uses. The matrix was adopted in June of 2006 and now staff is requesting that Council adopt this ordinance to update the zoning map. She said that this ordinance can be adopted at its first reading.

Michael Perrow – PO Box 1266. Mr. Perrow said when the original request to rezone was done, they wanted to keep the Mixed Use District Overlay that would allow retail. He requested more time as they have a meeting with Rob Karlinsey to further discuss the issue.

Councilmember Dick said Council needs to adopt this ordinance to amend the zoning map and upholding the Hearing Examiner's decision and deal with other changes as they come about.

MOTION: Move to adopt Ordinance 1116.
Dick / Young – unanimously approved.

4. First Reading of Ordinance – Burnham Drive Commercial Park Zoning Map Amendment. This was discussed previously.

MOTION: Move to adopt Ordinance 1117.
Dick / Conan – unanimously approved.

5. First Reading of Three Ordinances – Rate Increase for Water, Sewer, and Stormwater. David Rodenbach presented the background to these three ordinances to increase utility rates. He explained that this is the third in a series of rate increases for water and sewer based on a rate study done in 2003. The proposed rate increase for water and sewer is 10%. The 25% increase to storm water rates is not based on a rate study, but is needed to meet the increasing NPDES Phase II requirements for the Wastewater Treatment Plant.

6. Public Meeting - Notice of Intention – 96th Street Annexation. Matthew Keough, Associate Planner, gave an overview of the annexation process before presenting an extensive background on this proposal to annex 216 acres located along and to the east of State Route 16. He said that tonight, Council is asked to decide: 1) whether to accept, reject or geographically modify the proposed area of annexation; 2) whether to require the simultaneous adoption of the zoning for the proposed area; and 3) whether to require the assumption of all or any portion of indebtedness by the area to be annexed.

Mr. Keough addressed Council's questions regarding zoning, latecomers' agreements and pre-annexation development agreements. Carol Morris further explained that due to the large number of property owners, a pre-annexation agreement process would be difficult and would take more time to negotiate. She said that the conditions of annexation could be changed after the public hearing if issues arise.

Mayor Hunter opened the public hearing at 8:02 p.m. No one came forward to speak and he closed the hearing.

Ms. Morris recommended changes to the second condition for further clarification.

MOTION: Move to accept the notice of intent to commence annexation and further authorize the circulation of a petition for annexation of the subject property to the following conditions:

1. The City shall require that the property owners assume all of the existing indebtedness of the area being annexed.

2. The City will, pursuant to RCW 35.61.360, approve the withdrawal of this area by PenMet Parks from its boundaries by resolution.
 3. A wetland analysis report must be submitted together with the annexation petition pursuant to Gig Harbor Municipal Code Section 18.08.090; and
 4. The City will require the simultaneous adoption of Employment District (ED) and Medium-Density Residential (R-2) zoning for the proposed annexation area, in substantial compliance with the Comprehensive Plan as adopted by City of Gig Harbor, Ordinance no. 981.
- Young / Dick** – unanimously approved.

Councilmember Young left the Council meeting at this time.

7. Resolution – Adopting the Comprehensive Emergency Management Plan. Dick Bower, Building Official / Fire Marshal explained that this resolution adopts the Comprehensive Emergency Management Plan presented to Council at the last meeting. He explained that the Emergency Center Matrix has been removed from the plan as it is a guidance document that changes frequently.

Councilmember Franich asked where to look for more information on the results of a nuclear event and what citizens should do. Mr. Bower recommended FEMA, the State Emergency Management Division, and Pierce County Department of Emergency Management. More technical information is protected under homeland security.

Councilmember Dick thanked Mr. Bower for all the work done on this plan and suggested an increase in public education. Mr. Bower responded that public outreach is part of the plan being coordinated with Pierce County.

MOTION: Move to adopt Resolution No. 731 adopting the Comprehensive Emergency Management Plan.
Dick / Conan - unanimously approved.

8. Resolution – Art Procurement. Carol Morris presented this resolution to adopt a policy for acquisition of public art.

Councilmember Kadzik suggested clarifying language on the artistic excellence.

MOTION: Move to adopt Resolution No. 732 as amended.
Kadzik / Ekberg - unanimously approved.

STAFF REPORT:

1. Marketing. Laureen Lund, Marketing Director, shared three videos that her department has produced to help market Gig Harbor. She then offered to answer questions about the year-end report.

2. GHPD Monthly Stats. Chief Davis passed out examples of equipment used in identity theft seized from a rental car gave an update on recent department activities.

3. Non-conforming multi-family dwellings. Carol Morris passed out a draft ordinance that Council requested at the last meeting. She asked that it be reviewed and get back to her with comments.

PUBLIC COMMENT: None.

MAYOR'S REPORT / COUNCIL COMMENTS:

Mayor Hunter reported that he wants to advertise for a committee to work on the Master Plan for Skansie / Jerisich Park area per the recommendation from the Parks Commissions and Skansie Park Committee. He said that he will advertise and bring Council a list of volunteers for review.

Councilmember Ekberg praised both staff and the volunteers from Friends of Pierce County and Crescent Creek Watershed Group that worked to complete the viewing platform at Crescent Creek.

ANNOUNCEMENT OF OTHER MEETINGS:

1. BB16 Open House for Gig Harbor North Businesses & General Public Welcome – Nov. 27th and Dec. 6th at 6:00 p.m. in Community Rooms A & B.
2. Planning & Building Committee – Mon., Dec. 3rd at 5:00 p.m. in Planning/Building Conference Room.
3. GH North Traffic Options Committee – Wednesday, December 19th, at 9:00 a.m. in Community Rooms A & B.
4. Finance Committee – Mon. Dec 17th at 4:00 p.m.
5. Special City Council Meeting – Mon. Dec. 17th at 6:00 p.m. – Eddon Boat Sediment Cleanup Bid Award.

ADJOURN:

MOTION: Move to adjourn at 8:35 p.m.
Franich / Payne – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 34
Disk #2 Tracks 1- 23



Charles L. Hunter, Mayor



Molly Towslee, City Clerk