

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – NOVEMBER 8, 2010

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

CALL TO ORDER: 5:35 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of October 25, 2010.
2. Receive and File: a) Minutes of Joint Work Study Session City Council / Parks Commission October 4, 2010; b) Recognition of City Staff for Stroh Redevelopment Project; c) Minutes of Finance Committee Meeting October 18, 2010; d) Third Quarter Finance Report; e) City-wide Work Program; f) Minutes of Operation and Public Projects Committee October 21, 2010;
3. Interlocal Agreement for Funding of USGS Kitsap Peninsula Groundwater Model – Public Utility District #1 of Kitsap County.
4. Water Service Area Agreement – Stroh's.
5. Resolution - Renewal of Pierce Conservation District Assessment.
6. Grant Application: Netshed Walking Guide and Skansie Historic Register.
7. Resolution Declaring City Right-of-Way at 3003 Harborview Drive.
8. Approval of Payment of Bills for November 8, 2010: Checks #64914 through #65001 in the amount of \$1,551,374.02.
9. Approval of Payroll for the month of October: Checks # 5763 through #5785 in the amount of \$313,157.79.

Mayor Pro Tem Payne announced that Consent Agenda item number 5 would be moved to the beginning of new business for further discussion.

MOTION: Move to adopt the Consent Agenda as amended.
Kadzik / Malich – unanimously approved.

PRESENTATIONS:

1. Wilkinson Farm Community Garden Recognition - Barbara Carr; Healthy Communities of Pierce County; and several contributors: YMCA, St. Antony Hospital, PenMet Parks, Purdy Topsoil, Cenex, Route 16, Rosedale Runners, the Ancich Family, Boy Scouts, Chapel Hill Church, 29 Acts Church, Mid-day Rotary, and Community Volunteers.

Barbara Carr showed a brief PowerPoint presentation while describing the garden program. Mayor Pro Tem Payne read the appreciation certificate aloud as Ms. Carr called representatives from the groups to come forward.

2. Pierce Transit Tomorrow System Redesign Process Update. Lind Simonsen, Community Relations Coordinator presented the latest update. He reported that the upcoming levy, if passed, will allow Pierce Transit to continue the current level of service. If not adopted, cuts would be necessary.

OLD BUSINESS:

1. Second Public Hearing and Resolution – Harbor Hill LLC Development Agreement. Senior Planner Jennifer Kester reported that five people attended the informational meeting held by the developer and staff. She then gave an overview of the changes to the development agreement since the first reading.

The Mayor Pro Tem opened the public hearing at 6:03 p.m.

Christopher Smith – 3925 112th St. Ct. NW. Mr. Smith voice concerns with the impact of this development on Woodridge neighborhood. He spoke about buffers, noise, privacy, schools, sewer, traffic and the impact of on-going construction. He said that he would like to be notified of all future meetings and decisions on this development.

Mr. Smith was asked if his neighbors received notice of the November 2nd informational meeting. He said some had and they shared with others. He said there wasn't enough time to organize information about all their concerns.

W. O'Toole – 3922 105th St. Ct. NW. Mr. O'Toole shared his concerns with the number of entrances into the development, environmental impacts, runoff, endangered species and the possible rodent infestation. He said he didn't think the density fits in with the existing neighborhoods.

Dr. Clark Deem – 11605 Sorrel 1 NW. Dr. Deem voiced concern with the border abutting Canterwood. He said that The Ridge project encroached into the 25 foot required buffer and 50% of the remaining trees were lost to windstorms. He said he would like an ironclad agreement to protect the buffers.

Tim Wysaske – 4608 Towhee Drive NW. Mr. Wysaske asked about the criteria for the mailing that went out. He said many of the residents of Canterwood did not receive notification. Ms. Kester explained that all notices were sent to property owners within 300 feet of the abutting property. She also addressed the concerns regarding environmental impacts.

Doug Allen – PO Box 405, Gig Harbor. Mr. Allen said he is representing the Canterwood Board of Directors tonight. He explained that Canterwood is a candidate for annexation to the city and how disappointed they have been with the buffer issues from past development abutting their southerly border. He said that Canterwood has worked with Olympic Property Group for decades and considers it a positive experience. He said that their concerns are buffers and density, adding that he hopes the future owners will be bound by the agreement. When asked the Board's position on the development,

Mr. Allen replied that the development agreement shows the abutting lots as the largest in the project; they hope to keep this in place.

Tim Wysaske asked for clarification on whether the buffer is measured from the wetland or from the lot lines. It was explained that wetlands have their own buffering requirements as do the residential lots. Ms. Kester further explained that all buffers are 50 feet; and there are no documented wetlands adjacent to the borders of Canterwood.

Brian Stowe – PO Box 2090, Sumner, WA. Mr. Stowe explained that he is a managing partner of McCormick LLC; a 180 lot subdivision by the YMCA. Mr. McCormick said that they have spent four years to get their plat through Gig Harbor due to tough regulations. He said that they totally support the Harbor Hills development.

John Chadwell – Olympic Property Group. Mr. Chadwell addressed several questions. He explained that the buffer is 50 feet in addition to those buffers on adjacent properties, which is substantial and not at all like The Ridge. When asked for a guarantee that this won't be violated, Jenn Kester cited the city regulations on construction. Mr. Chadwell further noted that it is their intention to maintain every tree possible, but it is the responsibility of the future homeowner. He said that they have been in conversation with Canterwood throughout this project and hope to be good neighbors. There was further discussion on the possibility of a penalty if the buffer is violated.

Mr. Chadwell continued to explain that there were studies done by the traffic engineers; trips are already allocated for this project. He described the frontage improvements along Borgen Boulevard. He continued to explain that the 20-year agreement allows for the phasing of development which addresses the concerns regarding clear cutting the entire area and the housing market. He then identified the retention ponds for the new project in regards to stormwater questions. Mr. Chadwell addressed the concerns with the number of units being proposed. He explained that it's a master project and the number of units is just over the city's minimum density requirements. He talked about the efforts to enhance the buffers and stay clear of the wetlands. He summarized that the development agreement provides benefit to both the neighbors and the city and asked for support.

At the Mayor Pro Tem's request, Mr. Chadwell gave an overview of the trails and parks and answered Council questions.

Christopher Smith asked about the configuration of the lanes at the new roundabout and then voiced concern with the traffic pressure on Peacock Hill. Mr. Chadwell responded that there will be a turn lane at the subdivision entrance. Ms. Kester invited Mr. Smith to come by and review the plans.

City Administrator Rob Karlinsey mentioned that the development agreement doesn't address things like road widths; these types of issues would be addressed during the Hearing Examiner proceedings. The audience was encouraged to stay involved.

The public hearing was closed at 6:42 p.m.

Staff addressed Councilmember Malich's request for clarification on the sewer capacity reservation and what would occur if the development agreement isn't adopted. Rob Karlinsey stressed that the biggest value is the Master Planning and its coordinated approach.

MOTION: Move to adopt Resolution No. 845 adopting the Harbor Hill LLC Development Agreement.
Young / Ekberg –

Council Franich voiced concern with the density required by the Growth Management Act and lack of language in the development agreement regarding the connector road to Burnham.

Councilmember Young said that he too was surprised that the connector road wasn't identified in the development agreement but said the agreement that has been worked out significantly benefits the city.

Councilmember Kadzik said he concurs with the benefits of the agreement. He then gave an overview of the efforts by Olympic Property Group to address many of the concerns that have come forward. He explained that the reason for the small roundabout at Peacock Hill is because the city couldn't acquire the necessary property from adjacent homeowners; some who lived in Woodridge. He too voiced disappointment that there isn't language about completion of the connector road but complimented the effort put into this agreement.

Councilmember Ekberg said many issues have been covered saying he supports the development agreement. This master plan guarantees a connected traffic system, park property up front, and sewer capacity has to be paid for or they will lose it.

Councilmember Franich said this development is the reason for the sewer plant expansion and he hopes to see some return on the rate increases borne by all ratepayers. He said the park property trade seems reasonable now, but questioned the property assessment and what the Park Impact fees could be in 10-15 years.

Mayor Pro Tem Payne explained that he has participated in the long-range planning for Peninsula School District, and there has been talk of placement of a school in this area.

RESTATED MOTION: Move to adopt Resolution No. 845 adopting the Harbor Hill LLC Development Agreement.
Young / Ekberg – Councilmembers Ekberg, Young Payne, Malich and Kadzik voted yes. Councilmember Franich voted No.

Ms. Kester announced that the next step is the hearing on the plat before the Hearing Examiner on December 16th. She said that those who received prior notice and anyone else who signs up will receive notice of future meetings for this development.

Councilmember Franich left the meeting at this time.

NEW BUSINESS:

1. Resolution - Renewal of Pierce Conservation District Assessment. Senior Engineer Jeff Langhelm explained that Pierce County may redirect the conservation fees formerly designated to the Pierce Conservation District to other projects. He introduced Erin Ewald, Planner from the Pierce Conservation District to explain further.

Ms. Ewald said that in 2003-04 the Pierce Conservation District received the \$5 per parcel conservation assessment. This money was used to leverage additional funding to support local community groups to work for improvements. She said that the Pierce County Council is discussing reallocation of this assessment to stormwater and flood districts. She said that the Pierce Conservation District will still receive a portion of the allocation through surface water programs.

Mr. Langhelm said that the Conservation District has restated that any re-allocation would not affect the services received by the city. He recommended approval of the renewal with Pierce County so that the Conservation District would continue to receive funding. He added that without the resources of the Conservation District, staff would have to perform the outreach efforts required by the new NPDES requirements.

Ms. Ewald said that the Pierce Conservation District has funding from other grants to projects so the city will continue to get the benefit if the agreement is renewed.

Council discussed the ten year term of the renewal.

MOTION: Move to adopt Resolution No. 846 reducing the term from ten years to one year.
Ekberg / Kadzik – unanimously approved.

2. Wastewater Treatment Plant (WWTP) Ph. 1 Improvement Project / Change Order No. 5 with Prospect Construction, Inc / Consultant Services Contract Amendment No. 3 with Parametrix / Consultant Services Contract Amendment No. 6 with Cosmopolitan Engineering, Inc. City Engineer Steve Misiurak presented the history of past change orders to further clarify the necessity of these change orders and contract amendments.

MOTION: Move to authorize the execution of Change Order No. 5 with Prospect Construction in the amount of \$69,855.13 and add an additional 41 contract calendar working days; to approve the Consultant Services Contract Amendment No. 3 with Parametrix, Inc. in the not-to-exceed amount of \$42,121.84; and to approve the Consultant Services Contract Amendment No. 6 with Cosmopolitan Engineering Group in the not-to-exceed amount of \$43,913.00.
Young / Malich – unanimously approved.

3. Public Hearing – 2011 Revenue Sources. Finance Director David Rodenbach explained that flat revenues for 2011 are anticipated.

The public hearing opened at 7:35 p.m. No one came forward to speak and the hearing closed.

4. Resolutions – 2010 Property Tax Levy and Excess Property Tax Levy. David Rodenbach introduced these two resolutions setting the city's regular tax levy and excess levy for the Eddon Boat Bonds for property tax collection in 2011. He said that the total excess levy used to pay the debt service on the Eddon Boat bond is the same as last year.

MOTION: Move to adopt Resolution No. 847 setting the regular tax levy.
Young / Kadzik – unanimously approved.

MOTION: Move to adopt Resolution No. 848 setting the excess property tax levy.
Young / Kadzik – unanimously approved.

5. Public Hearing and First Reading of Ordinance Adopting the 2011 Budget. David Rodenbach gave a brief overview of the changes to the 2011 Draft Budget since the worksessions. He then addressed Council questions.

The public hearing opened at 7:44 p.m.

Tracy VonTrotha – 512 25th Ave. NW. Ms. VonTrotha, Chair of the Gig Harbor Arts Commission, requested that Council fund art grants in 2011 with money transferred from the Art Capital fund. She read a letter from the GHAC and thanked Council for its consideration.

Councilmembers recalled the Budget Worksession discussion on this topic. Councilmembers Kadzik and Malich were in favor of the idea. Councilmember Ekberg opposed it, citing the Capital Fund is for the purchase of art. Mayor Pro Tem Payne said he wasn't in favor of taking money from the capital fund, but of trying to find it in elsewhere. Councilmember Young also was opposed to the idea of using Art Capital. He added that if the city is going to find \$10,000 from another source when we are cutting benefits and services to the citizens, he would rather see it used for other purposes.

MOTION: Move to take \$10,000 out of the Art Capital and allocate it for funding the Arts Grant program in 2011.
Kadzik / Malich - Councilmembers Kadzik and Malich votes yes.
Councilmembers Ekberg, Young and Payne voted no.

The motion failed. There were no further public comments and the hearing closed at 7:54 p.m.

6. Public Hearing and First Reading of Ordinance – 2010 Budget Amendment.

David Rodenbach presented an overview of the \$200,000 in General Fund Amendments to the 2010 Budget. He added that he expects to have a higher than anticipated Ending Fund Balance. The amendments are as follows:

- Police – \$33,000 as a result of guild negotiations, major vehicle repairs, and jail costs.
- Parks – \$100,000 for salaries, benefits, and supplies due to the addition of three additional parks: KLM, Cushman Trails and Eddon Boat.
- Drug Investigation Fund – department took in \$8000 from state.
- Park Development Fund – purchase of Madison Shores Property.

The public hearing was opened at 8:00 p.m. There were no public comments and the hearing closed.

STAFF REPORT:

1. Fishermen's Pier Conceptual Design. Mayor Pro Tem announced that this is a staff report, and a public hearing has been scheduled for the November 22nd meeting.

Rob Karlinsey said that staff is going to request guidance on how to proceed with the design. He explained that the project will be referred to as "The Maritime Pier" until a final name is chosen. Mr. Karlinsey then explained that a "Path Forward" plan was developed to get the parking lot designed and built by early 2011. The design included a conceptual of a pier in order to obtain permit approval. He introduced Larry Lindel, engineer from Sitts and Hill who has been working with the city on this design and volunteered his time to come to the meeting.

Project Engineer Marcos McGraw used a PowerPoint Presentation to give an overview of the property and progress of the project design for a parking lot and conceptual pier. He explained that the primary goal at this point is to construct the parking lot to include alignment to a future pier and not to conflict with proposed future uses. He said that comments from several stakeholder meetings have been taken into consideration in the preliminary design. Mr. McGraw introduced Larry Lindel to answer questions.

Larry Lindel, Lead Engineer, Sitts and Hill Engineers. Mr. Lindel gave an overview of the permitting process which begins with environmental permitting followed by construction permits. He explained the concept of asking for as much as possible up front in the environmental permitting process and then following up with the actual design for the building permit. He said that you can install provisions for a future fuel dock fairly easily and follow up with the permitting at a later time. A pump-out facility can be planned in conjunction with the public restrooms. Mr. Lindel recommended permitting for the largest float possible as it is harder to permit and would accommodate more boats than finger floats. He said the conceptual takes the length of the pier as far out

into deep water as possible. He explained that the marine portion has to be included with the parking lot design for the JARPA. He said that he has worked with staff to maximize parking and the view corridor.

Rob Karlinsey said staff is recommending that the city permit for the larger pier option to maximize the over-water coverage to facilitate the final design. Mr. Lindel strongly recommended vesting the environmental permits as the new Shoreline Management Plan does not allow for a parking lot on the shoreline.

Mr. Lindel and staff answered Council questions regarding the conceptual pier, parking lot design and permitting issues.

Council was asked for direction in order to move forward with permitting in order to vest and to meet the desired construction window. Mr. Karlinsey added that he would like construction of the parking lot to be complete by Memorial Day or delay it to after Labor Day to avoid disruption of business during the summer months. He added that direction from Council can be delayed until after the public hearing on the 22nd. He described two choices: 1) decouple the parking lot and pier final design. Then move forward to construct the parking lot while working on designing the pier; or 2) design the whole project holistically and take more time to engage the community.

Councilmember Ekberg suggested getting the site cleaned up and useable as soon as possible. Councilmember Young agreed and said he doesn't want to raise expectations for a public pier at this time.

Councilmember Malich said the decision should be postponed until the public hearing. He said there is no rush for a parking lot and we should use the available money to apply for permitting and design the entire project.

Jennifer Kester warned of the risk of changing the pier design after going through the shoreline substantial development permit process which could trigger new permits. Depending upon which Shoreline Master Program is in place it could become an issue.

Mr. Karlinsey recommended funding the final design for the pier in 2011 to avoid restrictions imposed by the new Shoreline Master Program. Councilmember Young voiced concern that if that's the case the design for a pier needs to be scaled way back.

Mayor Pro Tem Payne said he wanted to hear from the public on the 22nd before making any decisions. Mr. Karlinsey said there are two citizens with slides they would like to show.

Peter Stanley – 602 North 'C' Street, Tacoma. Mr. Stanley, owner of the Tides Tavern, said he would like his architect to work with the city on the restroom design. He asked if Council would consider one of his conceptual options that would allow him to keep his shed on city property. He explained the large amount of bulky consumables stored in

the shed along with staff lockers need to be close at hand. He said that as indicated, he would be willing to “foot the cost” of constructing the restrooms.

Mayor Pro Tem Payne asked staff and Mr. Lindel to review these conceptual drawings before the November 22nd public meeting to see if they are feasible. Concerns with the existing bulkhead, engineering issues, and changes to city code to allow the shed to remain on city property would have to be addressed.

Gary Glein – 3519 Harborview Drive. Mr. Glein, Economic Development Chair of the Gig Harbor Historic Waterfront Association, described the goals of his committee. He stressed the importance of this site on the economic development of the downtown area by adding additional parking, a variety of boating uses, and the potential for a marine fuel dock. He shared a conceptual drawing showing a 135 foot pier that includes a marine fuel station and different types of docks for a variety of uses. He answered questions regarding other fuel docks.

2. Update on BB16 Roundabouts. City Engineer Steve Misiurak used illustrations to explain the methodology and intent of how to navigate the two newly completed roundabouts.

PUBLIC COMMENT: None.

MAYOR’S REPORT / COUNCIL COMMENTS: None.

Councilmember Kadzik said he uses the roundabout four times a day and it’s a breeze. The new changes have made a big difference.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Civic Center Closed Thu. Nov 11th for Veterans Day.
2. Operations Committee: Thu. Nov. 18th at 3:00 p.m.

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

MOTION: Move to adjourn to Executive Session at 9:25 p.m. not to exceed ten minutes.

Young / Malich – unanimously approved.


MOTION: Move to return to regular session at 9:35 p.m.

Kadzik / Young – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:35 p.m.

Kadzik / Young – unanimously approved.


Charles L. Hunter, Mayor


Molly Towslee, City Clerk