

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – February 27, 2012

PRESENT: Councilmembers Ekberg, Young, Guernsey, Perrow, Malich, Payne, Kadzik and Mayor Hunter.

CALL TO ORDER: 5:30 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of Feb. 13, 2012.
2. Correspondence / Proclamations: a) Pierce County Reads.
3. Liquor License Action: a) Renewals: Costco, Water to Wine, Eagles, Gig Harbor Chevron, Gig Harbor 76, Il Lucano, Tokyo Teriyaki, Gateway to India, Tides Tavern, and Greenhouse Restaurant; b) Added Privilege – Albertsons.
4. Receive and File: a) Gig Harbor Historic Waterfront Association 4th Quarter Progress Report; b) Minutes from Operations & Public Projects Committee, February 16, 2012.
5. Resolution – Surplus Equipment, IT Department.
6. Resolution – Rejecting Bid for Austin Estuary Park and Roadway Improvements.
7. Professional Services Agreement with Pierce County / Data Clipping and Download.
8. Interlocal Agreement – West Sound Stormwater Outreach Group.
9. Maritime Pier (People's Dock) Parking Project – Closeout Change Order #2/RV Associates, Inc.
10. Approval of Payment of Bills Feb. 27, 2012: Checks #69034 through #69137 in the amount of \$484,393.70.

MOTION: Move to adopt the Consent Agenda as presented.
Ekberg / Malich – unanimously approved.

PRESENTATIONS:

Proclamation: Pierce County Reads – Ms. Kathleen Wolf, Branch Manager Peninsula Library, thanked the Mayor for the proclamation and reported that this year's choice of book is *Hotel on the Corner of Bitter and Sweet*. She invited the public to meet the author at Clover Park on April 13th. She left several copies of the book for Council and staff to share.

OLD BUSINESS:

1. Reconsideration of Naming of the Pier. Mayor Hunter gave a brief introduction and explained that there would be no public testimony accepted on this agenda item.

City Attorney Angela Belbeck explained that if Council wishes to revisit the decision to name the pier made at the last meeting, a motion to rescind would be required. She would then share a possible process to choose a name.

MOTION: Move to rescind the motion made at the last meeting on the naming of the pier.
Malich / Guernsey – six voted yes. Councilmember Young voted no.

Ms. Belbeck then recommended using a nomination process tailored to name the pier and asked for a motion to use this method. She described the process.

MOTION: Move to use the nomination process to name the pier.
Ekberg / Perrow – unanimously approved.

Councilmember Ekberg nominated the name “Maritime Pier.”

Councilmember Malich nominated the name “Fisherman’s Pier.”

Councilmember Young nominated the name “Peoples’ Dock.”

Councilmember Payne said he had no strong feelings on any of the names, citing “Peoples’ Dock” as historically correct. He talked about the public backlash he received for suggesting that name. Councilmember Ekberg voiced support of “Maritime Pier” as it is all inclusive. Councilmember Kadzik said he prefers “Peoples’ Dock” but will support “Maritime Pier.”

Rosemary Ross stood up and interrupted the process by saying the name should be “Makovich Dock” in recognition of the contributions made to the history of the fisherman by Lee Makovich.

Councilmember Malich said he didn’t feel that Council had followed process; Council directed the Parks Commission to gather public input and then to make a recommendation to Council. They recommended “Fisherman’s Dock” which celebrates the early history. He added that the fishermen are making a donation and should be given naming rights.

Parks Commission Chair Nick Tarabochia offered to give information on their process if needed.

A vote was taken on the first nomination, Maritime Pier.

Roll call vote: Ekberg – yes; Young – no; Guernsey- yes; Perrow – yes; Malich – no; Payne – yes; and Kadzik – yes.

Ms. Belbeck announced that because the Maritime Pier received five votes, there was no need to go any further in the nomination process.

2. Second Reading of Ordinance – Downtown Parking Amendments. Senior Planner Jennifer Kester introduced the ordinance and the amendment made at Council direction to remove reference to Waterfront Millville from 17.72.075. Ms. Kester then asked if Council wished to include the two recommendations from the Planning Commission to 1) incorporate changes in the Shoreline Master Program to allow marinas to lease parking stalls; and 2) to expand the provisions of 17.72.075 to the entire city.

Councilmember Guernsey said she has received several comments on the possible spillover of parking into the residential neighborhoods as well the need to support the local businesses all along Harborview. In response, she drafted language hoping to address these concerns. She

presented the recommended amendments to include WM in the proposed changes, but limit it to changes from one non-residential use to another allowed non-residential use.

Councilmember Kadzik said that at the last meeting he thought the vote was to remove Waterfront Millville from 17.72.060 as well as 17.72.075 to prevent the overdevelopment of marinas. Councilmember Ekberg said that he thought that was the intent as well.

Councilmember Payne addressed the overdevelopment concern, saying that the Waterfront Millville zone is already very restricted. He asked for clarification on what could happen if WM was to be included in the parking amendments.

Ms. Kester responded that the building size is already limited by code. Joint use parking could result in both day use and evening use buildings sharing parking stalls, she added. The lot would then be full most of the time.

Councilmember Malich asked for clarification of the RB zoning. Ms. Kester described it as a transition zone, and then explained that joint use parking would only be allowed within a single zone.

John Moist – 3323 Harborview Drive. Mr. Moist spoke in favor of reinstating Waterfront Millville in the ordinance. He stressed that nobody is advocating changes to Millville that would affect the resident's quality of life. He said that the proposed changes will heal many injustices and proposed the following amendments: 1) existing single family dwellings cannot change use without meeting the new use parking requirements to include homes built after January 1, 2012; and 2) only existing non-residential building to include homes currently converted to office buildings can change use and take advantage of the new parking regulations, including buildings built after January 1, 2012 which have held a Certificate of Occupancy for a minimum of three years.

Dave Morris – 2809 Harborview Drive. Mr. Morris said he sent a memo opposing the removal of Waterfront Millville. He explained that consistency in zoning, as long as it doesn't unreasonable harm the residential environment, is good planning and good code enforcement. Councilmember Guernsey's proposal accomplishes this, he said.

Jamie Radcliffe – 3313 Harborview Drive. Ms. Radcliffe said that as a business owner in Waterfront Millville she agreed with John Moist, adding that she feels businesses in this zone have been discriminated against. She said that these changes wouldn't negatively affect the neighborhood, citing recent changes in the hours of operation and to allow beer and wine. She said it's hard enough for the businesses in Millville to survive.

Debbie Ross – 8820 Franklin Avenue. As an owner of property in Waterfront Millville, Ms. Ross spoke in favor of the changes proposed by Councilmember Guernsey. She cited the historical marker display located on the corner of Dorotich and Harborview that speaks to the mix of business and residential that has existed there for over 100 years. Ms. Ross explained that by removing Waterfront Millville from the amendment it would add even more restrictions and would further challenge business owners in that zone; what is considered an economic

necessity for other downtown commercial buildings should be the same for WM commercial buildings, and would allow Gig Harbor to continue to grow into a vibrant city.

Maurice Kiely – 3311 Harborview Drive. Mr. Kiely, co-owner of the Harbor Peddler, said he and his wife support the inclusion of Millville in the new parking resolutions, adding that they would like the opportunity to change their business model if so needed. To be excluded would deny them this opportunity, he explained.

John Alscog – 2333 Harborview Drive. Mr. Alscog said that he understands and supports historical preservation, but this is a matter of fairness and consistency. This new proposal is a good idea and will help maintain property values in Waterfront Millville. Downtown needs a steadier business model and consistent regulations, he explained, without duly restricting businesses and preventing new business from locating here.

Bill Fogerty read a letter from Kit Kuhn, who couldn't be present. In his letter Mr. Kuhn thanked Council for the new parking regulations, but voiced surprise at hearing that Waterfront Millville had been removed, which he said would divide the downtown. He stressed that downtown retail is dead, and business owners in Millville have invested heavily in reviving the downtown core. He asked that Council pass the amendments with the inclusion of Millville and work to create a unified downtown core.

Bruce Gair – 9301 Harborview Drive. Mr. Gair, a 21 year resident and business owner in Gig Harbor, first explained that he is a protagonist of the 2-hour parking regulations downtown. He said that he and his wife Linda have recruited many people to come here because of their love of the mixture, excitement, and the diverse people. He described the charm of the harbor and asked Council not to shut the gates of Millville; business owners are here because they want to be, and they want to be accepted.

Councilmember Young explained that the language proposed by Councilmember Guernsey addresses his concerns. He then stressed there is a difference between Waterfront Millville and downtown which is why it has more restrictive regulations. He also pointed out that this isn't a new restriction, but an exemption that is critical for the survival of the downtown. He said he hopes there will be additional consideration for changes that would include shared daytime and nighttime use, explaining that this has always been restricted to the most intense zones.

MOTION: Move to adopt Ordinance No. 1231.
Young / Payne –

AMENDMENT TO MOTION: Move to amend the motion with the proposed changes to Section 17.72.075 that have been presented tonight; and direct staff to revise the ordinance to include the amendments as approved with appropriate revisions to the WHEREAS clauses, and to bring back for final approval and adoption on consent at the next council meeting.
Guernsey / Payne -

Councilmember Ekberg thanked Councilmember Guernsey for the proposal and explained that his reason for not including Millville was because he thought the intent was to focus on the downtown core area first to find out how the parking changes work before expanding to other areas. He then said that this amendment is moving in the right direction.

Councilmember Guernsey clarified that the intent is to add Waterfront Millville back in the ordinance with the proposed amendments. Jennifer Kester added that staff reviewed the language feels it is appropriate.

Councilmember Payne said that the Planning Commission did an exceptional job in the process that led to these recommended changes, and voiced his appreciation for the amendment from Councilmember Guernsey. He explained that it has to be something compelling for him to overturn a recommendation from the Planning Commission that went through such a thorough process. He apologized for his vote for excluding Waterfront Millville at the last meeting, saying that after consideration of any worst case scenario that inclusion could cause, he now favors this amendment.

AMENDMENT TO MOTION: Move to amend the motion as shown in the enclosed ordinance with the proposed changes to Section 17.72.075 that have been presented tonight; and direct staff to revise the ordinance to include the amendments as approved with appropriate revisions to the WHEREAS clauses, and to bring it back for final approval and adoption on consent at the next council meeting.
Guernsey / Payne – five voted in favor. Councilmembers Ekberg and Malich voted no.

Councilmember Kadzik said he thinks this is a fine compromise for Section 17.72.075. He said that he still has concerns that shared parking provisions in Waterfront Millville would encourage development and that Millville would end up like LaConner where you don't even realize you are walking along the waterfront because of the close proximity of the buildings. He said that he would still like to see Waterfront Millville removed from Section 17.72.060 of the ordinance.

AMENDMENT TO MOTION: Move to pull Waterfront Millville from 17.72.060.
Kadzik / Malich –

Councilmember Young asked for further clarification on whether marina parking could be used for a new building. Ms. Kester responded that in the updated Shoreline Master Program there are numerous restrictions to the waterfront zones and so the Planning Commission recommended allowing marinas to have dual use of parking stalls in recognition of the additional burden being placed upon them due to increased setbacks.

AMENDMENT TO MOTION: Move to pull Waterfront Millville from 17.72.060.
Kadzik / Malich –

Roll call vote: Ekberg – yes; Young – no; Guernsey – yes; Perrow – yes; Malich – yes; Payne – no; and Kadzik – yes. The motion to remove Waterfront Millville from 17.72.060 passed five to two.

Councilmember Malich asked for clarification on several types of properties in the WM area. Ms. Kester clarified that over-water structures such as a netshed are very limited on uses under the SMP. She also responded that Council has control on the terms for the lease the Eddon Boat Building, and office to retail use wouldn't generate additional parking.

Councilmember Payne asked if exclusion of Waterfront Millville will end development on any marina parking lot within Waterfront Millville. Ms. Kester said it would make it more difficult, but they could use the variance process. She said that allowing joint use of a parking lot would provide more development potential under a more restrictive Shoreline Master Program.

MAIN MOTION: Move to amend the ordinance with the proposed changes to Section 17.72.075 that have been presented tonight; and direct staff to revise the ordinance to include the amendments as approved with appropriate revisions to the WHEREAS clauses, and to bring back for final approval and adoption on consent at the next council meeting; and to remove Waterfront Millville from 17.72.060.
Young / Payne – six voted yes. Councilmember Payne voted no.

NEW BUSINESS:

1. Public Hearing on the 2012 Comprehensive Plan Amendment Docket. Senior Planner Jennifer Kester presented the information on two proposed amendments to the Comprehensive Plan. The first is a proposed land use map amendment submitted by Kathy Glaser to change the designation of a 13,000 square foot parcel located at 3513 Grandview Street from Residential Low to Residential Medium. The second amendment is a city-sponsored text amendment to update the Transportation Element to include additional policies to encourage and enhance pedestrian and vehicular connections in the downtown area.

Mayor Hunter opened the public hearing at 6:53 p.m.

Eva Hill – 2020 Squak Mountain Loop, Issaquah. Ms. Hill, advocate for Ms. Glaser, spoke in favor of the proposal to change the parcel on Grandview from RL to RM, explaining that the owner is an accountant that would like to utilize the property as a small business. She said that the property is adjacent to the Uddenberg Building and across from the Civic Center; both higher intensity uses. She said the change would fit well into the community and encouraged Council to allow this proposed amendment to go to the Planning Commission to process. She quoted points from the existing Comprehensive Plan to support their position and answered Councilmember Malich's questions.

Kathy Glaser – 3513 Grandview. Ms. Glaser explained that the major problem with the current zoning is that she can't put a sign out front advertising her accounting business. She stressed that the property would be used the same; with one client coming at a time. She said that the objective is to earn more revenue and make upgrades.

Jim Pasin – 3212 50th St. Ct. Mr. Pasin spoke in opposition to any proposal to begin rezoning Grandview, adding that it will continue to creep down the street. He asked Council to remember that there are residents on the downside that will be affected. He commented that the Civic Center was designed with a large buffer to protect the neighbors and asked that we honor that.

There were no further comments and the public hearing closed at 7:06 p.m.

Council discussed home occupations, considering the neighborhood as a whole for the possibility of another transition designation, the concern of how this could affect adjacent neighbors, and how there was concern that the transition zone would “creep” into adjacent parcels when the Uddenberg parcel came to Council for a rezone. The comment was made that there have not been any changes to the area that would warrant the need for a Comprehensive Plan amendment.

MOTION: Move to forward PL-COMP-12-0002: Transportation Element application to the Planning Commission for further processing.
Ekberg / Guernsey – unanimously approved.

2. Public Hearing and First Reading of Ordinance Adding Schools and Churches in the B-2 Zoning District. Planning Director Tom Dolan introduced this proposed zoning code text amendment to allow schools and churches as conditional uses in the General Business (B-2) zone initiated by Council at the January 9, 2012 meeting.

Mayor Hunter opened the public hearing at 7:20 p.m.

Greg May – 10508 Powell Road NW. Mr. May, representing One Hope Church, explained that they currently meet at Gig Harbor High School but due to a Supreme Court decision, they may no longer be able to use the school. He said that they cannot afford to build so leasing space is an option, but in searching for a new place they have found that the current code was prohibitive. He encouraged Council to adopt the amendment.

Jim Pasin – 3212 50th St. Ct. Mr. Pasin commented that this is an issue for both schools and churches that should have been addressed before. He explained that he has been approached by both, but even though there was space available neither are currently allowed in his B-2 zone. Mr. Pasin said that the City Attorney agrees that these uses shouldn't be restricted and asked that this move forward.

Terry Bouck – Peninsula School District. Mr. Bouck thanked the staff for assisting in this change, and the city for sponsoring the amendment. He said that Peninsula School District prides itself on having schools for all students, explaining that they are looking for a facility for a unique program to allow around 22 students to acquire life skills.

Mayor Hunter closed the public hearing at 7:30 p.m. and said this will be back at the next meeting.

3. Resolution – Dogwood Plat Amendment to the Wastewater Comprehensive Plan. Senior Engineer Jeff Langhelm presented the background information to revise the sewer collection basin boundaries so that the entire Dogwood Plat would reside in Basin #14.

MOTION: Move to adopt Resolution No. 895 as presented.
Young / Payne – unanimously approved.

4. First Reading of Ordinance – Amendments to Parks Commission. City Administrator Rob Karlinsey presented the background for these requested amendments to the Parks Commission. This will return at the next meeting on the Consent Agenda as directed by Council.

STAFF REPORT:

1. Hospital Benefit Zone (HBZ) 30-year Project List and 5-year Project Schedule. Rob Karlinsey presented this recommendation to add the SR302 corridor study to the HBZ 30-year Project List to address congestion that affects the BB16 Interchange and to amend the 5-year schedule to move the Sehmel Right Turn Land and the BB16 Roundabout Meter Design up one year. If these recommendations are approved, the amended HBZ 30-year project list will be forwarded to the County and then the State for concurrence. He said that the 2012 Street Capital Budget will require an amendment to include the Meter Design and Right Turn Lane. He answered questions, and said that this will come back for a formal public hearing and ordinance for Council review.

2. Tacoma Narrows Advisory Committee – Council Representative. Mr. Karlinsey announced that Council would need to appoint a new representative to the Tacoma Narrows Advisory Committee, which meets once a quarter. Councilmember Ken Malich offered to serve on the committee.

Mr. Karlinsey then announced a cougar sighting on the Westside. He said that the Police was not called out as it is the jurisdiction of the Department of Fish and Wildlife. Councilmember Payne commented that the school district sent out a notice to the parents.

PUBLIC COMMENT:

Mayor Hunter commented that during the Public Comment portion of the agenda, it's not Council's job to solve the public's problems; just to take the comments under advisement. He suggested that if this needs further discussion it could occur at the Council Retreat in May.

MAYOR'S REPORT / COUNCIL COMMENTS:

1. Downtown Planning Council Committee. Councilmember Guernsey announced that the first meeting has been scheduled for March 21st at 3:00 p.m.

Councilmember Young reported that the House Ways and Means Committee came out with their budget. He voiced concern at the new taxing authority because it's based upon per capita population, and Gig Harbor always gets shorted. He said he is hoping to send a letter to Senator Kilmer asking that they instead go with the traditional model of using Point of Sale for the tax.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Intergovernmental Affairs Committee: Mon. March 12th at 4:00 p.m.

EXECUTIVE SESSION: For the purpose of discussing guild negotiations per RCW 42.30.140(4)(a).


MOTION: Move to adjourn to Executive Session at 7:54 p.m. for approximately 25 minutes for the purpose of discussing guild negotiations per RCW 42.30.140(4)(a).
Payne / Kadzik – unanimously approved.

MOTION: Move to return to regular session at 8:15 p.m.
Kadzik / Payne – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:15 p.m.
Kadzik / Payne – unanimously approved.

CD recorder utilized: Tracks 1002 – 1036



Steven Ekberg, Mayor Pro Tem



Molly Towslee, City Clerk