

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – March 25, 2013

PRESENT: Councilmembers Young, Guernsey, Perrow, Malich, and Kadzik.
Councilmember Ekberg served as Mayor Pro Tem and Councilmember Payne was absent.

CALL TO ORDER: 5:32 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes Mar. 11, 2013.
2. Liquor License Action: a) Renewals: Morso, St. Anthony Hospital, Gig Harbor Yacht Club, The Green Turtle, Happy at the Bay Teriyaki, Harbor Greens, Gig Harbor Farmers Market, Maritime Inn, Greenhouse Restaurant, Gig Harbor Farmers Market at Uptown; b) New amended application: Netshed No. 9; c) Gourmet Burger Shop.
3. Receive and File: a) Parks Commission Minutes Feb. 13, 2013; b) Tacoma Narrows Airport Advisory Commission Minutes Jan. 10, 2013.
4. Correspondence / Proclamations: a) Pierce County Reads; b) Parks Appreciation Day;
5. Re-appointments to Gig Harbor Arts Commission.
6. 2013 Natural Yard Care Workshops – Interagency Agreement with Tacoma-Pierce County Health Department.
7. Second Reading of Ordinance No. 1260 – Extension of Interim Regulations – Medical Cannabis Collective Gardens.
8. Second Reading of Ordinance No. 1261 – Amendments to Fireworks Stand Permits.
9. Buffer Zone Protection Plan Grant Agreement – Washington State Military Dept.
10. Resolution No. 923 – Amendments to Flexible Spending Account.
11. Wollochet/Wagner Way Traffic Signal – Consultant Services Contract/WH Pacific.
12. Approval of Payment of Bills Mar. 25, 2013: Checks #72041 through #72133 in the amount of \$1,245,991.79.

MOTION: Move to adopt the Consent Agenda as presented.
Guernsey / Perrow – unanimously approved.

SWEARING IN CEREMONY: Sergeant Fred Douglas.

Chief Mike Davis gave an overview of Sergeant Douglas's background, describing him as a reliable, professional, trusted, and respected officer. Mayor Pro Tem Ekberg administered the oath of office, and Sergeant Douglas's wife Debbie and daughter Leila came forward to pin on his badge. Chief Davis presented him with a certificate of promotion.

PRESENTATIONS:

1. Pierce County Reads – Presentation of Proclamation. Mayor Pro Tem Ekberg presented the signed proclamation to Neel Parikh, Executive Director of the Pierce County Library. Ms. Parikh announced that this year's book choice is *The Paris Wife*. She passed out packets of information on the Friends of The Library and applications for a library card and

2. Pierce County Library Annual Report. Executive Director Neel Parikh presented background information on the Gig Harbor Branch, and the changes that have occurred over the past couple of years. She described the services offered to Gig Harbor and the surrounding area, and what to look forward to in the future. Ms. Parikh stressed the high usage of this branch and the effort to maintain the level of service with budget restraints.

3. Proclamation for Parks Appreciation Day – Rahna Lovrovich. Mayor Pro Tem Ekberg presented the signed proclamation to Ms. Lovrovich who thanked Council for recognizing the volunteers and importance of a parks program.

OLD BUSINESS: None.

NEW BUSINESS:

1. Public Hearing – 2013 Comprehensive Plan Amendment Docket. Senior Planner Lindsey Sehmel presented the information on two applications for amendments to the 2013 Comprehensive Plan. She explained that one is a private-party application requesting to amend the current land use designation of 2.79 acres located at 11102 Burnham Drive from the current Residential medium to Commercial/Business. The second application is a city-sponsored text amendment to incorporate the adopted Harbor Vision into the Comprehensive Plan and develop implementing policies.

Planning Director Jennifer Kester responded to Council questions for clarification of the definition of Commercial Business.

Mayor Pro Tem Ekberg opened the public hearing at 5:55 p.m., explaining that testimony would be accepted for the first application: Burnham Hill Commercial Center Comprehensive Plan Land Use Map Amendment; and then second: Harbor Vision Text Amendment.

William Palmer, PO Box 6, Port Orchard, WA. Mr. Palmer, Land Use Planning Consultant, asked Council to consider the change in conditions which occurred with the annexation of this property several years ago. The property abuts a commercial use contract storage yard and has potential of a wider business use than what is allowed in the R-2B zone. He said that they are seeking the type of use that would cater to automotive uses such as a convenience store. He explained that we are not here to evaluate the use or zoning at this time, but a proposal that is compatible with the type of use established across 112th. He said that this piece of property is uniquely situated adjacent to Burnham Drive and looks right into the freeway access, and so it is well served by freeway access as well as road access. The site is also adjacent to another

arterial, 112th. Mr. Palmer said that they believe this is a worthy Comprehensive Plan amendment and asked if there were any questions.

Councilmember Young asked Mr. Palmer to clarify his statement about the annexation changing the conditions. Mr. Palmer responded that before the annexation, the site adjacent to the north was not zoned for commercial use even though it had a commercial use on it. When it was annexed, the Comprehensive Plan designation changed to allow commercial use on that site; so they are saying that is a changed condition as well as the availability of water and sewer facilities.

Amy Janson – 11610 64th Ave. NW. Ms. Janson said she and her four children live in Horizon West and she is the President of the Homeowners Association. She talked about the many kids that go up and down 112th right where they are proposing this commercial business. She described the two family developments with school buses and tons of children playing, and said that a commercially zoned convenience mart is the last thing she would want in her neighborhood. The traffic at the roundabout is a snarl now and so any type of commercial business will only make it worse, she said. Developer Walt Smith put two, hundred-plus family-friendly communities just north of this proposal for a commercial building, which she said would be a huge mistake. She also said that her husband, who works in law enforcement, says that 99% of the activity that takes place in the wee hours at a mini-mart is drug deals; so if you want to see drug deals at this site go ahead and allow the commercial property. She said that she doesn't want this type of use at the base of her development as it would be a disservice to and would cause huge problems for these neighborhoods. She said she speaks for her neighbors and her mom-friends. She added that she already sees people stopping in the woods at that section and she doesn't know what they are doing but she can't image what type of activity would occur with a commercial building. She asked Council to think about those things.

Mary Smith – 11015 61st Ave NW. Ms. Smith explained that her property is the three acres adjacent to the proposed amendment. She said that at two community meetings, the developer presented a proposal that included a gas station, a coffee shop, a convenience store, a car wash, and a 20,000 square foot office building on that strip of land. Ms. Smith said she opposes that density. She then said she is not against development of an office building or other types of appropriate uses for that location. She said she agrees with the comments about the children playing and said that she can see the people parking there. She continued to say that the proposed convenience store would bring gasoline tanker trucks and deliveries all hours of the night and the possibility of fuel and carwash runoff into the creek. It would attract more traffic to an already troublesome intersection that serves the people from Rosedale and Henderson Bay trying to access Highway 16. She pointed out that the plan doesn't show all the housing developments that will be affected. This may involve a complete redesign of the Burnham / Sehmel intersection if they are successful in a commercial rezone, she added. She explained that the Walt Smith site was grandfathered, and that Gig Harbor North and Borgen Boulevard are designed to handle this kind of traffic. She urged Council to consider the environmental impact as well as the community impact of this

proposed change in zoning. She talked about the seasonal creek and wetland that runs along her property adjacent to their property that has wildlife and other factors, saying these are things to consider as well; not just traffic impacts. She ended by saying it will also affect traffic heading up to the prison. Ms. Smith answered questions regarding the location of her property.

Greg Radam – Henderson Bay Estates. Mr. Radam said that he understands and likes development but he can also speak to what others have said about the traffic and the influence on children riding bikes in this area. He asked Council to make sure you are thinking logically about the impact to the traffic at this busy intersection.

There were no further comments from the public on the Burnham Hill Commercial Center Comprehensive Plan Land Use Map Amendment. Mayor Pro Tem Ekberg asked if anyone wished to speak on the second application, Harbor Vision. No one came forward and the public hearing closed at 6:10 p.m.

Planning Director Kester described the process to address density and traffic concerns with a zoning re-designation. She explained that some traffic generations have been given from the applicant for the highest and best use for the Residential Medium designation and for the Commercial designation. These will be reviewed by the city engineers and will likely go through a traffic model run. If this application moves forward the results can then be considered by the Planning Commission and become considered as part of the SEPA process. If the recommendation is to continue this forward, the rezone and project specific site plan review may be consolidated and any necessary traffic improvements will be determined. She further explained that Council's action tonight is to determine whether or not this application meets the criteria for a zoning re-designation.

Councilmember Young explained that in the past, his mind has been changed by the results of a project going before the Planning Commission. He said that he sees problems with this application; he is reluctant to stop it from going to the Planning Commission for deeper analysis.

Councilmember Kadzik agreed. He said that if this is allowed to move forward for Planning Commission review it is not the final word; it is just the first step before it comes back to Council.

Councilmember Guernsey said that the law doesn't allow community displeasure as the basis to deny a project approval. She said that although she appreciates the concerns, none are a deal-breaker to not allow this to move forward to Planning Commission review. She encouraged the speakers to consider expert testimony in regards to the traffic concerns.

Councilmember Malich said that he disagreed and that the question is whether we want commercial sprawl to move to that side of the freeway. He asked if we want development to migrate to that side of the road because it's convenient to the

interchange and the property can't think of another use but a gas station or convenience store to be located next to an interchange. He said that it may make logical sense, but we have to look at the issue of allowing the spread of commercial development and the pressure it caused the single family residents living there. Another concern is that adjacent property owners will be tempted to sell out to be commercially developed, causing a chain reaction. He said that he is not in favor of the proposal and we should not pass it on.

Councilmember Kadzik said that he made a good point. Councilmember Malich continued to say that this should have been considered when the gravel pit was zoned commercial, then added that the Planning Commission should take a look at the whole interchange.

Ms. Kester gave the history of the zoning designation of the property to the north of the proposal. She said that under Pierce County it was designated as Activity Center; the city's previous land use designation for the contractor's yard was Employment Center. When that area was annexed, Walt Smith asked for a comp plan land use change to Commercial Business to match the actual use on the property. It was intended to correct the land use maps not updated during the pre-annexation period.

Councilmember Kadzik said he would like table action to the next meeting to allow a site visit and to obtain more information from the Planning Department about the surrounding area.

MOTION: Move to table this agenda item until the next meeting of April 8, 2013.
Kadzik / Malich – unanimously approved.

2. Resolution No. 924 – Canterwood Sewer Utility Extension Agreement. Public Works Director Jeff Langhelm presented the background information for this request for two connections in a residential plat.

MOTION: Move to adopt Resolution No. 924 for a Sewer Utility Extension Agreement with Canterwood Development Company.
Kadzik / Malich – unanimously approved.

3. Marine Outfall Inspection – Consultant Services Contract Amendment. Public Works Director Jeff Langhelm presented this amendment that would allow an inspection of the outfall to make sure it's operating as designed and prior to the expiration of the contractor's maintenance bond in July. He explained that this was last done when the as-builts were developed. He said it is costly due to the difficulty in navigating the underwater remote device outside the harbor.

MOTION: Move to authorize the Mayor to request the city Administrator and Human Resource Analyst to begin a search for a full time Building Inspector.
Guernsey / Young – unanimously approved.

STAFF REPORT: None.

PUBLIC COMMENT:

Amy Janson – 11610 64th Ave. NW asked about the requirement to notify property owners within 300 feet of a zoning action and why her neighborhood didn't receive notification.

Ms. Kester responded that the neighbors within 300 feet were notified, but both Henderson Bay and Horizon West neighborhoods are beyond the 300 foot radius. She added that notice was provided in the newspaper and on the site. If it goes to the Planning Commission the intent is for the notification area to be expanded. She responded that if a flyer was handed out to someone in Henderson Bay Estates it would have come from a private party. She said that if people provide their address and e-mail then they will be notified of future action on this proposal.

MAYOR'S REPORT / COUNCIL COMMENTS:

Mayor Pro Tem Ekberg announced that the Transportation Improvement Board website has a photo of City Engineer Steve Misiurak and himself cutting the ribbon on the Olympic / 56th project. He said that they were impressed that the project came in ahead of schedule and under budget.

Councilmember Malich commented that a couple of the links on the website agenda wouldn't work for him. He asked if there was a way to check this in the future. He then said he was in Washington D.C. and presented the city's request for ownership of the sand spit to Senator Kilmer and Cantwell.

Councilmember Kadzik challenged Councilmembers and members of the audience to volunteer to water the hanging flower baskets during the summer months. He recognized Councilmember Perrow for doing it last year.

Councilmember Guernsey announced that she and Chief Davis had a good experience during the Chamber Legislative Day last week where they met with the Governor and several legislators to discuss budget issues.

Councilmember Young said he will be attending an all-day Pierce Transit Workstudy on Friday to finalize cuts, and asked Councilmembers to forward any comments before then. He said he is going to suggest that they hire a consultant to help them to identify areas of savings.

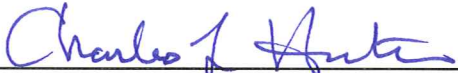
ANNOUNCEMENT OF OTHER MEETINGS:

1. Parks Commission: Wed. Apr 3rd at 5:30 p.m.
2. Intergovernmental Affairs: Mon. Apr 8th at 4:30 p.m.
3. Operations Committee: Thu. Apr 18th at 3:00 p.m.
4. Planning/Building Committee: Mon. May 6th at 5:30 p.m.


ADJOURN:

MOTION: Move to adjourn at 6:39 p.m.
Kadzik / Malich – unanimously approved.

CD recorder utilized: Tracks 1002 – 1026



Charles L. Hunter, Mayor



Molly Towslee, City Clerk