

GIG HARBOR CITY COUNCIL MEETING OF MAY 9, 2005

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Picinich, and Mayor Wilbert. Councilmember Ruffo was absent.

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS: Prentice Avenue Street Vacation – Boyd.

The Mayor opened the public hearing at 7:04 p.m. No one signed up to speak at the public hearing, and the hearing closed.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of April 25, 2005.
2. Correspondence / Proclamations: a) Kid's Day America/International; b) Building Safety Week.
3. Pump Station 2A – Bid Award.
4. Xerox 3040 Maintenance Agreement.
5. 2005 Job Descriptions.
6. Appointments to the Planning Commission.
7. Rushmore Water Main Replacement Project – Authorization for Construction Bid Award, Compaction Testing Services, and Survey Services.
8. Burnham Drive Sewer Replacement Project for Topographic Survey Services – Authorization for Contract Amendment.
9. Water Availability Review – On-Call Development Review Consultant Contract Authorization.
10. 2005 NPDES Permit Water Quality Monitoring Program – Consultant Contract Authorization.
11. Resolution No. 648 – Designating the National Incident Management System (NIMS) for all Emergency Incident Management.
12. Approval of a Facility Use Agreement with the Port Orchard Police Department.
13. Approval of a Jail Use Agreement with the Kitsap County Sheriff's Office.
14. Approval of Payment of Bills for May 9, 2005:
Checks #47018 through #47107 and #47352 through #47357 in the amount of \$188,268.48.
15. Approval of Payroll for the month of April:
Checks #3715 through #3749 and direct deposit entries in the amount of \$249,427.51.
Check #3715 replaced lost payroll check #3814 dated September 3, 2004.

Mayor Wilbert thanked Dr. Dupenthaler for his participation in the "Kids Day American / International."

MOTION: Move to approve the Consent Agenda as presented.
Picinich / Conan – unanimously approved.

MOTION: Move to amend the agenda to move Item No. 6 under New Business, Appointment to the Design Review Board, to No. 1 under New Business.
Picinich / Franich – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Reduced Roadway Width Standards. Steve Misiurak, City Engineer, presented information on this ordinance that allows for the reduction in street widths for local residential streets. He explained that these regulations would be applicable to any new local access streets in new developments.

Monty Laughlin – 3617 53rd St. NW. Mr. Laughlin explained his efforts to short plat his property and the problems with street improvements. He said that he has been following the progress of the amendment to private street widths and asked how this would affect his attempts to short plat.

Mr. Misiurak explained that Mr. Laughlin's concerns are addressed in the next ordinance. He added that the ordinance only applies to new development; existing streets would not be affected.

Councilmember Franich stressed the importance of requiring on-street parking on major local roads. Mr. Misiurak explained that currently, on-street parking is required on one side, but if there is sufficient off-street parking, then the requirement can be deleted.

MOTION: Move to adopt Ordinance No. 998.
Young / Picinich – five voted yes. Councilmember Franich voted no.

2. Second Reading of Ordinance – Amending the Public Works Standards for Private Streets. Steve Misiurak presented this ordinance that allows for short, private street standards and recommended approval.

Carol Weisman – 3483 Edwards Drive. Ms. Weisman voiced concern that after reading the article in the Gateway, Edward Street would be affected by this ordinance. She then asked if something could be done to reduce the speeding cars between Stinson and Pioneer.

Councilmember Young explained that this ordinance would only affect new development, and that the Gateway had only used Edwards Street as an example of a through street.

Scott Inveen 8617 96th St. NW. Mr. Inveen asked for clarification on page 3, Section 3, Item D, second sentence of the ordinance calls out for a minimum curb-to-curb width of

20 feet, but the diagram shows a width of 22 feet. Steve Misiurak said that the text is incorrect as it should be 22 feet as shown in the diagram.

MOTION: Move to adopt Ordinance No. 999 with the text amendment as discussed.
Dick / Picinich – unanimously approved.

3. Second Reading of Ordinance – Accepting a Donation for the Purpose of Purchasing Equipment that will be used in Support of Senior Citizen Program. Mark Hoppen, City Administrator, said that without adoption of the ordinance, the city could not accept the donation.

MOTION: Move to adopt Ordinance No. 1000 as presented.
Picinich / Franich – unanimously approved.

NEW BUSINESS:

1. Appointments to the Design Review Board. Mark Hoppen explained that fifteen candidates submitted letters of interest to serve on the Design Review Board. He said that the most of the candidates are present if Council had any questions. Mayor Wilbert offered each candidate the opportunity to address the Council. Several took the opportunity to come forward.

The Mayor commented on the impressive backgrounds of the applicants and the willingness of each to share their experience.

MOTION: Move to appoint the following members to the Design Review Board: Kate Burnham, Darrin Filand, Scott Inveen, and for the Certified Local Government positions, Rosanne Sachson, and Lita Dawn Stanton. In addition, that a request be made to the Planning Commission that they poll their members to determine any interest in serving on the Design Review Board.
Young / Ekberg –

Councilmember voiced support of leaving one position open for a Planning Commission member. If no one comes forward, Council can appoint another member.

Councilmember Picinich voiced his concern that three of the members are not city residents. Councilmember Young pointed out that the Design Review Board is to be a technical body and the members are to fulfill certain qualifications. Councilmember Conan said that his concern is that there would only be two returning members.

AMENDMENT: Move to replace Darrin Filand with Chuck Hunter.
Conan / Dick – Councilmembers Conan and Dick voted yes.
Councilmembers Ekberg, Young, Franich and Picinich voted no.
The amendment to the motion failed.

AMENDMENT: Move to amend the list to replace Scott Inveen with Charles Carlson.
Franich / Picinich –

Councilmembers discussed which category each candidate fulfilled. Councilmember Franich said that the architect is covered, Dr. Kadzik takes position No. 2, the urban design category is covered by Ms. Burnham, and the historic section is covered by Ms. Sachson and Ms. Stanton. The amendment to the motion was restated.

AMENDMENT: Move to amend the list to replace Scott Inveen with Charles Carlson.
Franich / Picinich – five voted in favor. Councilmember Dick voted no.

Councilmember Young thanked the applicants, sharing how difficult it was to make a decision, as there were so many great applications. The applicants were reminded that there may be one more appointment, and were urged to apply for future positions.

AMENDED MOTION: Move to appoint the following members to the Design Review Board: Kate Burnham, Darrin Filand, Charles Carlson, and for the Certified Local Government positions, Rosanne Sachson, and Lita Dawn Stanton. In addition, that a request be made to the Planning Commission that they poll their members to determine any interest in serving on the Design Review Board.
Young / Ekberg – unanimously approved.

Councilmembers then discussed the terms that each member would serve. Councilmember Ekberg recommended allowing the members discuss and determine the terms during their first meeting and send back a recommendation for Council approval. Councilmember Young asked that the terms of the two CLG members be staggered.

2. Utility Extension Agreement – Mary Hill. John Vodopich, Community Development Director, presented this request for sewer extension to the existing building located at 6319 Soundview Drive.

MOTION: Move to approve the Utility Extension Agreement as proposed.
Dick / Conan – unanimously approved.

3. First Reading of Ordinance – Acceptance of Grants and 2005 Budget Amendment. Mike Davis, Chief of Police, presented the background on the acceptance of seven grants totaling \$40,181.00. These grant support two main Police Department objectives; one to create a comprehensive traffic safety program, and the other to expand the ability to investigate and prosecute drug crimes. This will return for a second reading at the next meeting.

4. First Reading of Ordinance – Prentice Avenue Street Vacation Request – Boyd.

John Vodopich explained that this request to vacate a portion of Prentice Street is subject to the 1896 non-user statute. Councilmember Young voiced a desire to have all the properties that are subject to this non-user statute be vacated in one action, rather than having them come in one at a time.

Tom Page – 9404 Peacock Ave. Mr. Page asked for clarification on emergency vehicle and city access to inspect the utility lines if this strip of street is vacated.

Mark Hoppen explained that an easement for utilities was not being given up, and that this effort was only to clear up a cloud on the title per state law. He asked Mr. Page to call him for further clarification.

Eugene Barton (no address given) Mr. Barton also voiced his concern for access to emergency vehicles if the street is vacated. He then asked about a boundary line adjustment and how small a lot the city would allow as a result of this. He said he was concerned with density, asking if the city had plans to vacate the portions of Benson and Sutherland Streets that are not constructed and if these would be open to development.

Councilmember Young explained that the property owners already own these portions of property, and this effort to vacate is only to clear the title. The property owners would have the same development rights as they do currently. Councilmember Dick further clarified that the law simply made platted roadway disappear if it had not been opened to public use. This action simply clears the record, and the sewer easements will remain.

5. First Reading of Ordinance – Establishing Friends of the Parks Commission.

John Vodopich explained that this ordinance is before Council at the request of the Parks Committee and establishes a “Friends of the Parks Commission” chapter in the municipal code. The intent of the commission is to advise Council on parks and recreation facilities, open space facilities, and other matters as directed.

Councilmember Franich asked for clarification. Councilmember Ekberg explained that this committee would be the vehicle to coordinate volunteers to serve on other subcommittees. He added that the committee has the power to select its own subcommittees at Council direction. Councilmember Young pointed out that the Mayor always has the right to appoint committees.

6. Gig Harbor North Traffic Mitigation Plan – Consultant Contract Authorization.

John Vodopich presented this contract with David Evans and Associates to perform a traffic mitigation plan for the Gig Harbor North area. He explained that funds had been allocated to do a city-wide intersection level of service analysis, but due to the amount of development, the funds are better spent on a specific mitigation plan for the Borgen Boulevard corridor.

Councilmember Dick asked why the developers were not asked to submit a traffic concurrency plan to evaluate for level of service rather than the city developing the plan. Mr. Vodopich explained that the developer is still required to submit a plan to meet the concurrency test and to submit an engineered analysis. This report will provide a benchmark to compare the individual analyses with what the city perceives the traffic mitigation to be in that corridor not only now, but in the future.

Councilmember Franich voiced his concern with the cost of the study.

MOTION: Move to approve a consultant services contract with David Evans and Associates, Inc. for the Gig Harbor North Traffic Mitigation Plan in the amount not to exceed Ninety-six Thousand Thirty-eight Dollars (\$96,038.00).
Ekberg / Young – unanimously approved.

STAFF REPORTS:

1. GHPD April Stats. No verbal report given. Mayor Wilbert voiced her appreciation for the detail in the report.
2. Community Development – Design Manual Planning Award. John Vodopich said that the city staff and members of the DRB received notice that the recently revised *Gig Harbor Design Manual* received a Merit Award in the Rural/Small Town Category. The ceremony to accept the award has been postponed until June.
3. Community Development – Waterfront Residential (WR) Building Size Restrictions. John Vodopich presented a proposed ordinance that came about from direction from Council at the last meeting to address amendments to the Waterfront Residential district.

David Freeman – Snodgrass Freeman Associates Architects, 3019 Judson Street. Mr. Freeman said that during consideration of a previous ordinance, he had recommended an amendment to the definition section of the zoning ordinance for underground parking garages. He gave an overview of this proposed amendment that would exempt parking garages from the calculation of square footage in the building size. In addition, a bonus could be given for the use of a parking garage. Mr. Freeman explained that this would allow for more design flexibility and creativity and addresses the Design Guidelines intent to move 50% or more of all parking to the rear or to be concealed. It would also help to reduce impervious coverage and impact to the stormwater infrastructure. He called it a “good planning practice” and a common sense way to solve a common problem. He asked Council to consider making a recommendation to the Planning Commission to incorporate this language.

Councilmembers asked for further clarification of the handouts. Mr. Freeman explained that the intent is that the parking garages be “concealed” and answered several other questions regarding his proposed amendment.

PUBLIC COMMENT:

Richard Allen – 3603 Ross Avenue. Mr. Allen voiced his concern with the recent popularity of underground parking garages and the impact that the excavation may have on adjoining properties. He said that staff had already made a decision to allow an underground parking garage to encroach into the setbacks next to his property. He said that in the process, his wall will fail and 90' of bulkhead will fall into the excavation, adding that he had been told by staff that the failure will be his responsibility. Mr. Allen asked Council to find out if his assumptions are correct.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich said he had received the letter relating to underground parking at this property. He asked if they are only asking for underground parking for 35 cars, as the sketches show other buildings and the 35 spaces will only cover the boat marina. He said that the neighbors have 20 days to respond to a piecemeal proposal. He gave an overview of the project and said that the building should include the parking. He said that the proposal by Dave Freeman is to get a bigger building, which is what everyone has been fighting. He said that he didn't understand why the town would process part of a project without waiting for the full design so that the neighbors could see the overall plan. He said that the total parking would be double the 35 proposed, asking how they would get it on the parcel.

John Vodopich stressed that the applicant had not submitted an application for development. What had been submitted was a request for an interpretation. The ability to interpret the zoning code is relegated to the Community Development Director, and he had issued an Administrative Interpretation clarifying that under the terms of the Gig Harbor Municipal Code, required off-street parking is permissible in side yards. He said that after talking with Mr. Allen and Mr. Bujacich, it became clear that somehow this information had been misinterpreted as a decision to approve construction or development of the property. He said that he has subsequently issued a clarification to his interpretation outlining that he did not determine the number of parking spaces to be allowed, nor did he authorize the use of the property. Since that time, Mr. Allen has filed an appeal of the interpretation and the matter will be heard before the Hearing Examiner. Mr. Vodopich said that he would copy Council with all the materials in this matter.

Carol Morris, City Attorney, offered to provide a legal memo on the issue of lateral support.

Councilmember Franich said that he would be watching this project carefully and implored staff to take a conservative approach when reviewing this project.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton said that she had seen a copy of the request for interpretation which describes the parking garage as "mostly below finished grade" and "as a covered basement level of approximately 10,000 s.f. which would contain 35 parking stalls." Ms. Stanton asked if a finding is given to the application, it gives them the green light unless there is more specific information.

John Vodopich said that in the Waterfront Millville, there is a 3500 s.f. limit for non-residential use. He said that it has been made clear to staff that they are to inform the applicant that if any portion of the structure is non-residential, the 3500 s.f. limit applies.

Dave Willis – 5806 19th St. NW. Mr. Willis explained that the family business downtown Gig Harbor provides more parking in the downtown core than any other business. He said that they don't have a problem with people using the lot, but they would like to have enough. He clarified that the issue is not with the square footage of a building on the property, but maximizing the parking for downtown, which is a premium these days.

COUNCIL COMMENTS / MAYOR'S REPORT: Public / Private Partnerships.

Councilmember Young asked whether the ordinance for Waterfront Residential, discussed under the staff report, would come back as the first or second reading and if the WC and WR should be included. Councilmember Ekberg said that he prefers that this come back as a first reading.

Councilmember Franich said that he is unsure of his stance on the issue, but it is important to get the information back on how to deal with the multi-family residences in those districts. Councilmember Dick said that the limitations are needed and Council needs to determine what those limits should be. He agreed that a conclusion for multi-family residences needs to be addressed as soon as possible. Staff was directed to bring back the ordinance including the additional zones as a first reading.

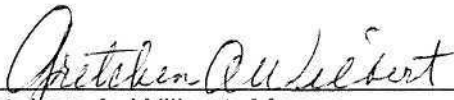
Councilmember Ekberg said that he had been given a copy of the Destination Northwest section of the Oregonian which has a nice article on Gig Harbor.

Mayor Wilbert briefly talked about the letter from the Boys & Girls Club in support of a community fund-raiser for the Community Center. She then talked about a meeting regarding the town-around bus system and asked Council to keep this in mind when considering budget items for 2006.

ADJOURN:

MOTION: Move to adjourn at 9:03 p.m.
Franich / Ekberg – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 29
Disc #2 Tracks 1 – 16



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk