

## **GIG HARBOR CITY COUNCIL MEETING OF APRIL 24, 2006**

**PRESENT:** Councilmembers Ekberg, Young, Franich, Conan, Dick, Payne, Kadzik and Mayor Hunter.

**CALL TO ORDER:** 7:04 p.m.

**PLEDGE OF ALLEGIANCE:**

**SPECIAL PRESENTATION:** Pierce County Dept. of Emergency Management Mitigation Plan.

Dick Bower, Building Official / Fire Marshal, explained that Pierce County Department of Emergency Management was present to give a presentation on the multi-jurisdictional mitigation planning in which the city is currently involved. He further explained that the mitigation planning is required under Federal Guidelines in order to be eligible to obtain grants in the event of a disaster. He introduced Luke Meyer and Diane Shore, Project Managers for this effort.

Luke Meyers presented background information on the Natural Hazards Mitigation Planning Effort that involves 48 jurisdictions. This is an effort to identify the natural hazards that affect the county, to determine the vulnerability of each area, and to develop a blueprint for reducing the vulnerability. Mr. Meyers described the components and requirements for the mitigation plan. He said that this will include a comprehensive effort to collect information on the infrastructure and capabilities of each jurisdiction in order to coordinate efforts. Mr. Meyers addressed Council's questions about the program.

**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 10, 2006.
2. Correspondence / Proclamations: a) Kinship Caregiver Day; b) Native Plant Appreciation.
3. Olympic Drive/56<sup>th</sup> Street Roadway Improvement Project – Quit Claim Deed and Easement Agreements.
4. Eddon Boatyard Permitting Assistance – Consultant Contract Amendment #1.
5. NPDES Phase 2 Permit Assistance and Implementation – Contract Authorization.
6. Liquor License Renewals: Albertson's; Anthony's at Gig Harbor; Olympic 76 Gas Station; Tanglewood Grill; Bistro Satsuma.
7. Payment of Bills for April 24, 2006.  
Checks # 50072 through #50226 in the amount of \$444,061.58.

**MOTION:** Move to approve the Consent Agenda as presented.  
Franich / Ekberg – unanimously approved.

**OLD BUSINESS:**

1. Second Reading of an Ordinance – Allowing the combination of nonconforming lots, GHMC 16.03.004. John Vodopich, Community Development Director, presented this ordinance that would allow the owner of two or more legally non-conforming lots to be combined.

Doug Sorensen – 9409 North Harborview Drive. Mr. Sorensen spoke in favor of the adoption of the ordinance as a win-win solution for the city and the property owner.

**MOTION:** Move to adopt Ordinance No. 1040 as presented.  
Young / Conan – unanimously approved.

**NEW BUSINESS:**

1. Resolution Declaring the Existence of an Emergency Waiving the Competitive Bidding Requirements. John Vodopich explained that in March, there was a sewer line blockage in the vicinity of the Women’s’ Correction Center. The city’s equipment does not have the capability to excavate to the 15 foot depth of the blockage and so Pape and Sons was contracted to expose the line and clear the blockage. This resolution declares an emergency situation that allows for the waiving of the competitive bidding process and authorizes payment of the contract to Pape and Sons in the amount of Twelve Thousand Two Hundred Sixty-seven Dollars and Sixteen Cents.

**MOTION:** Move to adopt Resolution No. 669.  
Dick / Conan – unanimously approved.

2. First Reading of an Ordinance – Amendment to the GHMC Title 15 Adopting a New Section 15.07 Establishing a Base Plan Program. Dick Bower presented this ordinance that establishes a reduced plan review fee for a contractor that uses one plan set for multiple projects for residential one or two-family structures. This “base plan” or “standard plan” program requires less staff time for review and approval, which also reduces the permit turnaround time. He said that the concept was presented to the Building Code Advisory Board, who agreed it was a good idea.

Councilmember Franich asked how much this would cost the city in future revenues. Mr. Bower responded that it would depend upon how often the base plan procedure is used. A contractor could save up to \$1,200 on plan review fees, adding that he didn’t anticipate more than one or two uses per year. One exception may be The Dwelling Company’s development in Gig Harbor North because of the type of construction they anticipate. He said that there are approximately 92 lots in that subdivision, but he has yet to see how many plans they intend to use in the project. Councilmember Franich responded that this could result in a potential revenue loss of \$100,000.00.

Councilmember Ekberg said that historically, there have been no large developments in the city, but in Gig Harbor North there are hundreds of acres of houses to be built. He said that a second concern is whether it would discourage developers to use more variety in construction. Mr. Bower responded that because the development in Gig

Harbor is reasonably high-end, he didn't believe that this would occur. He said that there is a potential for several base plan projects to be submitted, but he does not believe that the number will be as high as in other communities. He used the Estates at Gig Harbor as an example in which two of each floor plan was built.

Councilmember Franich said that due to the number of houses to be built in Gig Harbor North, this could affect the budget in a serious way.

Councilmember Young responded that permit fees are designed to replace the cost of staff time. If less time is being spent on duplicate plans, then the fees should reflect this. Fees are not intended to be a revenue source. He spoke in favor of the plan because it reflects the true cost of plan review. He said that other costs need to be brought up to the level that reflects the actual time spent on the activity. He asked if this is being considered.

Mr. Bower said that the last increase to the fee schedule helped to move toward cost recovery, but further review has revealed that to reach this goal, it would almost double the fees. It will take time to raise fees to be more equitable and to discover other economies.

Councilmember Franich commented that he understands that a developer is looking for equity, but in general, government services are not administered in an equitable manner. Mr. Bower explained that the more complicated a project, the more permit fees will be collected. He said that with the base plan program, extra fees are collected up front in order to establish the program, and then the fees are reduced in plan review later on.

Mayor Hunter asked how much is collect up front. Mr. Bower said that you pay for two plan reviews so that the plan is reviewed by two separate examiners to catch any problems. Upon completion of review, this becomes the "base plan." In addition there is a \$50 filing fee. If the developer chooses to make changes to the basic design, it would then go back to the normal permitting process.

Mayor Hunter mentioned that the \$100,000 in lost fees would support another inspector / plans examiner position for one year.

3. First Reading of Ordinance – Clarifying SEPA Appeal Procedures. John Vodopich explained that currently, the Hearing Examiner is tasked with hearing certain SEPA appeals and that the City Council is tasked with rendering the final decision on the Comprehensive Plan change itself. This ordinance in an attempt to correct the disconnect, as it is appropriate that the ultimate decision maker also be the body that rules on SEPA appeals. There were no questions or comments.

4. First Reading of Ordinance – Clarifying the Procedure for Permit Processing. John Vodopich explained that this ordinance would clarify the permit processing procedures so that concurrency issues are addressed in the beginning phases of the

land use development review process. It would also address the issue of holding permits, which creates problems for vesting and permit tracking.

Jim Pasin – 3212 50<sup>th</sup> St. Ct. Mr. Pasin asked how many permits are currently on hold, and if this ordinance will affect them. Mr. Vodopich responded that there are approximately 6-10 permits on hold at the request of the applicant, and yes, this will affect these applications.

Carol Morris, City Attorney, further explained that there is no procedure or authority in law to allow the city to hold these applications, and they need to be processed. The applicant has the option to withdraw the applications if they do not want the permit to be denied due to lack of concurrency.

Mr. Pasin said that language in the ordinance states that “Such construction of necessary road facilities may not occur until years in the future.” He asked for clarification for how this affects an application. Ms. Morris explained that this statement is general and hypothetical to illustrate how it is impossible to hold application. She further explained that a held application receives perpetual vesting, and the plans would have to be reviewed under the codes in effect at the time the application is determined complete.

Mr. Pasin then commented that he understands the problem with holding applications, but considering the problems the city faces today he doesn’t want to “shoot ourselves in the foot” with an ordinance that may not be necessary. He said that there currently is a critical project in Gig Harbor North that everyone wants and he doesn’t want this ordinance to stop it. He cautioned against passing this without having all the answers.

5. First Reading of Ordinance – Relating to Various Amendments to the City's Concurrency Management System. John Vodopich presented this companion to the previous ordinance. He explained that this ordinance would identify the process to review and evaluate a request for transportation and water concurrency and add a requirement for monitoring and issuing concurrency reservation certificates for sewer capacity.

Councilmember Young asked if this also allows the city to use traffic concurrency for outside utility extensions. Mr. Vodopich responded that it does.

Ms. Morris further clarified that this ordinance requires concurrency for outside water *and* sewer utility extension agreements. This requirement allows the city to deny extension on the basis of lack of capacity of either.

6. Simpson Service Agreement. Mike Davis, Chief of Police, presented this agreement that will enable the officers to utilize the large incinerator to dispose of leaf and powder drugs confiscated during the course of investigations. He explained that the City Attorney is concerned with the indemnification language in the contract. To address these concerns, she has drafted a letter to be forwarded to Simpson Tacoma

Kraft Company that explains that the city is prohibited from indemnifying, defending or holding Simpson harmless in those circumstances where it would violate the Washington Constitution. Chief Davis answered questions regarding the safety of the process and the frequency of use. He explained that he is very comfortable with the procedural safety, and said that at the most, it may be utilized twice a year.

**MOTION:** Move to authorize the Mayor to approve the attached Simpson Service Agreement and return it to Simpson Kraft with the attached letter.  
Payne / Kadzik – unanimously approved.

7. Resolution(s) – Grant Funding Assistance. Mark Hoppen, City Administrator, presented this series of resolutions that need to be individually approved in order to authorize the city to apply for IAC Grants. He explained that Myra Barker, IAC manager for our region, has visited each of the sites and reviewed the criteria for the final grant submissions.

Ms. Morris said that each of the resolutions contains a line that says the public has been provided an opportunity for public comment. She requested that the Mayor ask for public input on each of the resolutions before passing.

Mayor Hunter asked if there was any public comment on the resolution for IAC-WWRP, Urban Wildlife Habitat for the Scofield Estuary Park Project. No one had any comments.

**MOTION:** Move to adopt Resolution No. 665.  
Ekberg / Kadzik – unanimously approved.

Mayor Hunter asked if there was any public comment on the resolution for IAC-ALEA, Acquisition/Combination for the Eddon Boat Park Acquisition. No one came forward to comment.

**MOTION:** Move to adopt Resolution No. 666.  
Young / Ekberg – unanimously approved.

Mayor Hunter asked if there was any public comment on the resolution for IAC-WWRP, Local Parks for Westside Neighborhood Park Project. No one had any comments.

**MOTION:** Move to adopt Resolution No. 667.  
Payne / Kadzik – unanimously approved.

Mayor Hunter asked if there was any public comment on the resolution for Washington State Heritage Capital Projects Fund for the Eddon Boat Building Preservation Project. No one came forward to comment.

**MOTION:** Move to adopt Resolution No. 668.  
Young / Payne – unanimously approved.

**STAFF REPORT:**

1. David Rodenbach, Finance Director – Quarterly Report. Councilmember Young asked for clarification on for the ending fund budget. Mr. Rodenbach explained that he believed it was about half of what was in the report.

Councilmember Payne noted a correction from 2004 to 2005 in expenditures.

2. Emily Appleton, Associated City Engineer – Roundabout Report. Ms. Appleton explained that the information she was about to present is an effort to give a broader perspective on roundabouts. She used a PowerPoint program to provide information on the characteristics of roundabout, including safety, functionality, and geometrics.

Mayor Hunter explained that the presentation came to Council in the spirit of education and as the result of a petition that he had been given.

Councilmember Dick asked if there is information on the speed of traffic before and after the roundabout was installed at 36<sup>th</sup> and Pt. Fosdick. He added that the only criticism that he has heard is that people think the roundabout slows them down. In his experience the only delay is when Highway 16 traffic backs up all the way to the library, which affects every intersection. Ms. Appleton explained that in her observation during the worse queue, she tracked a southbound car through to the freeway and she was able to walk and arrive at the same time. This represents the ultimate delay. She said she was unaware of any studies on travel time done prior to the installation, but that there is volume and speed data broken into fifteen minute increments that could be compared.

Councilmember Dick stressed that the same problems existed before, but the conflicts have been reduced.

Councilmember Young pointed out that the city has yet to replace a signalized intersection with a roundabout, making it hard for people to understand what the difference in delays might be. He said that there are national studies of the contrast in wait times that might be useful. Ms. Appleton said she would do the research and forward the information.

Councilmember Kadzik asked if the right of way had been available, would the roundabouts on Peacock Hill and Pt. Fosdick be designed to be larger. Ms. Appleton responded that she understands that the obtaining right of way was the biggest constraint on design.

Councilmember Franich asked for clarification on conflict points in single-lane verses the two-lane roundabouts. Ms. Appleton said that she believes that you would add four additional conflict points in a two-lane. Councilmember Franich stressed that driver

decisions create conflict. He then referred to the graph showing slower speeds entering a roundabout, commenting that people also slow down when they approach a red light. He asked what type and location of the roundabout was used to gather this data. Ms. Appleton responded that she could not answer the question. Councilmember Franich then said that the information presented is misleading and that he finds the information hard to believe.

Councilmember Ekberg thanked Ms. Appleton for the presentation, adding that he thinks four-way stops are the greatest traffic device ever invented, and roundabouts come in a close second. He commented that she clearly explained that roundabouts are much safer, more economical, more efficient, and they get more people through safely, which is the city's primary concern.

Councilmember Franich said that he doesn't believe that there is a big problem with t-bone accidents in Gig Harbor. He said that weighing safety is one thing, but weighing what the public wants should also go into the calculation.

Councilmember Ekberg responded that the monthly police reports support the fact that injury accidents don't occur or are minor in the roundabouts, which speaks very clearly that people do slow down when entering. Councilmember Franich asked if it would be Councilmember Ekberg's suggestion to turn Point Fosdick into a roundabout. Councilmember Ekberg responded that he isn't a traffic engineer, but if it would get more traffic through and reduce accidents, then he would seriously consider it.

Councilmember Conan said that he appreciated the slide of the log truck moving through the roundabout, because people with large commercial trucks have contacted him with concerns. He asked if more education would be helpful. Ms. Appleton said that with driver education we could solve many of the issues. You can't compensate for all driver error, but educating truckers to use the apron on the inside and if necessary, the curbs on the outside would help.

Councilmember Franich asked if it should be clearly marked for pedestrians to stay clear of the curb section if it is designed to be used by trucks. Ms. Appleton said that because traffic is moving so slowly, the curb would provide some protection, but there would be time for a pedestrian to move out of the way. This safety concern occurs at regular intersections as well. Because larger trucks that go through the roundabout, beefing up the curbs was a precaution to make sure we don't have to replace the curb and sidewalk all the time.

Jim Pasin – 3212 50<sup>th</sup> St. Ct. Mr. Pasin said that his home is near 36<sup>th</sup> and Point Fosdick and his business is near Point Fosdick and Olympic Drive. He said he is upset to hear about the number of accidents at the Olympic and Point Fosdick, because the majority of accidents are from the access points from the shopping centers, not the intersections themselves. He continued to say that when traffic backs up on Highway 16, you cannot get through the roundabout at 36<sup>th</sup> and Point Fosdick or the Olympic Drive Point Fosdick Intersection because traffic is stopped. He voiced several

concerns: the first is that emergency vehicles cannot get through the 36<sup>th</sup> intersection when traffic is backed up; the second is trucks driving on the curb at the roundabout when there is a large private school located there and the expectation of children on the sidewalk; the third is the volume of traffic to that school and the diversion of traffic through his neighborhood.

Councilmember Dick asked if these conditions existed before the roundabout was constructed. Mr. Pasin responded that before, people were able to make a left turn or drive on the shoulder to get there. This is why the neighbors are trying to get a left turn lane there.

Councilmember Franich asked Chief Davis for clarification on the comment that the accidents at Point Fosdick are due to shopping center access points. Chief Davis responded that the statistical reports obtained through GIS don't specify exact spots. Councilmember Franich said that the statistics being presented on the roundabouts can be skewed.

Rick Gagliano – 8607 58<sup>th</sup> Ave NW. Mr. Gagliano said that he was impressed with the numbers shown and agreed that there is some transportation safety in the roundabout devises. He said that his fear is that they are not pedestrian friendly. There are several roundabouts in the Gig Harbor North area where pedestrian activity and cross access is being encouraged for the village concept. Crossing the street at the roundabout is scary. How this affects school children and vehicles rolling up on the sidewalk is a whole other issue. He said that he would be interested in statistics on pedestrian issues in the spirit of correct information.

Councilmember Young said that there is a series of studies on pedestrian aspect of roundabouts that show a trade off. The pedestrian has a place to wait in the island until the traffic is clear, but it is correct that drivers already in the intersection may not remember to stop before exiting if a pedestrian is present. It is similar to a free-right turn at a signalized intersection. He said that he would be happy to forward the studies to anyone who sent him an e-mail.

3. Mike Davis, Chief of Police – March Stats. Councilmember Ekberg commented about the officer who discovered a parked stolen vehicle in a parking lot and asked how he came across this. Chief Davis responded that the lot is a dumping ground for stolen vehicles.

Councilmember Young commended Officer Fred Douglas for the outstanding job for intervening in a potentially dangerous domestic violence situation. Chief Davis added that Deb Yerry and Marline McClane, Police Service Specialists, worked with Officer Douglas as a team. He also recognized the Court Staff in coordinating the effort.



## **PUBLIC COMMENT:**

Peter Stanley – 602 No. C Street, Tacoma. Mr. Stanley, owner of the Tides Tavern, commented on the project going in at the old Stutz Property. He said that when he spoke at the Public Hearing in March, he testified that because parking is a premium in that area, he isn't in favor of adding further retail. There is now a possibility that the entire 3600 s.f. of building could become retail. He said that he cannot support this as it would place an undue burden on the parking and car traffic in this area. He said that the corner of Soundview and Harborview is a visual terminus, and he disagrees with the staff report that the proposed project would not diminish the historical views at that site. He recommended that the city only accept the applicant's Alternative B for a marina and upland parking. He said that the concern with the placement of a parking lot on a prominent parcel should be overlooked because keeping the view open outweighs this concern. He said it would be a wonderful tradeoff to keep the piece open, adding that it would also assist him and the neighboring properties with parking. He suggested that Council drive down Soundview and look at the view since the property has been cleared, and then think how this would change if a 9000 s.f. building is constructed.

Jim Pasin – 3212 50<sup>th</sup> St. Ct. Mr. Pasin thanked everyone who approved the expenditure for construction of the sidewalks across Briarwood. He said that this was promised when the neighborhood was first annexed. He then shared his concerns with traffic concurrency and the impact it has on property owners. This is preventing some owners from developing their properties. He encouraged Council to find a solution to allow property owners in the city to develop and to cause Pierce County to provide funds for traffic impacts. He stressed that this is something that has to be solved in the short term.

Rick Gagliano – 8607 58<sup>th</sup> Ave NW. Mr. Gagliano asked when the second reading of the base plan ordinance would come before Council. He was advised that it will be at the next meeting. Mr. Gagliano said he has worked closely with couple builders with their base plan sets and offered to answer any questions that may come up. He said that there are quite a few nuances that are worth knowing.

He continued to say that as a member of the DRB, he is not able to speak on the Stutz Fuel Property appeal, but said he would like to speak as an individual. He said that the Design Review Board spent time reviewing this project which helped them to understand all the nuances. He suggested that when Council is considering a project in the future, that they could bring in some of the participants such as the Planning Commission and Design Review Board members who have already been involved in order to gain information and clarification on the subject. This growing city is becoming more complex and competing issues add to this complexity. The more that everyone works together will benefit the city and lend a better image.

## **COUNCIL COMMENTS / MAYOR'S REPORT:**

Councilmember Young reported that the recent Puget Sound Regional Council agenda included Pierce Transit's proposed Park 'N Ride, Pedestrian Bridge, and Center Lane Project grant application for 4-1/2 million to be forwarded to Puget Sound Regional Council. The first phase of the project is seven million, with a project total of 21 million. They anticipate hiring someone to begin acquiring land in June. The pedestrian overpass is scheduled to open simultaneously with the new bridge, with the second phase center lane scheduled for completion in 2010. He added that there was some fuss about so much money being spent on the Peninsula due to low ridership numbers, but Pierce Transit seems positive about an increase in numbers with the addition of more stops along Highway 16.

Councilmember Franich commented that a 23 million dollar project for 400 parking stalls works out to about \$60,000 per parking stall. He added that the WSDOT data identifies the Purdy Drive onramp as the most congested and there is an existing Park 'N Ride at 144<sup>th</sup> Street with vacant land that could have been acquired cheaply. Yet Pierce Transit decides to spend the 23 million dollars to put the project up here. He said that while it is nice to have this type of facility, this is way too much money for the project.

Councilmember Young clarified that the 23 million is the cost of all the improvements, not just the parking lot. He added that Pierce Transit plans on acquiring more land at Purdy and Gig Harbor North.

## **ANNOUNCEMENT OF OTHER MEETINGS:**

1. Mayor's Community Coffee Open House – Tuesday, April 25<sup>th</sup> from 4:00 p.m. at the Gig Harbor Civic Center.
2. GH North Traffic Options Committee Meeting – Wednesday, April 26<sup>th</sup> at 9:00 a.m. at the Civic Center.
3. Operations and Public Projects Committee Meeting – Thursday, April 27<sup>th</sup> at 3:00 p.m. at the Civic Center.
4. City Council / Planning Commission Joint Worksession on the Land Use Matrix – Monday, May 1, 2006 at 3:00 p.m. at the Gig Harbor Civic Center.
5. Council Community Coffee Meetings: a) May 16<sup>th</sup>, 6:30 p.m. at Chapel Hill Presbyterian Church; b) June 21<sup>st</sup>, 6:30 p.m. at Peninsula Library.

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


**MOTION:** Move to adjourn to executive session at 9:00 p.m. for approximately one-half hour to discuss pending litigation per RCW 42.30.110(1)(i). Franich / Conan – unanimously approved.

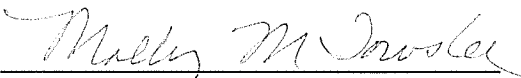
**MOTION:** Move to return to regular session at 9:27 p.m. Young / Conan – unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:28 p.m.  
Payne / Conan – unanimously approved.

CD recorder utilized:  
Disk #1 Tracks 1 -17  
Disk #2 Tracks 1 -16

  
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Charles L. Hunter, Mayor

  
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Molly M. Towslee, City Clerk