

GIG HARBOR CITY COUNCIL MEETING OF JANUARY 22, 2007

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

CALL TO ORDER: 6:03 p.m.

PLEDGE OF ALLEGIANCE:

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 January 8, 2007.
2. Correspondence / Proclamations: Toastmasters Week.
3. Eddon Boat Environmental Permitting Assistance – Contract Amendment (Inspectus, Inc.).
4. Uptown & MultiCare Development Projects Easement Agreements for Harbor Monsoon Restaurant and Kitsap Bank.
5. Amendment to Job Description – Engineering Tech.
6. Liquor License Renewals: El Pueblito Restaurant; Albertson's; Olympic Drive Mart.
7. Approval of Payment of Bills for January 22, 2007:
Checks #52499 through #52657 in the amount of \$525,930.71.

Mayor Hunter announced that there was a request to remove item number 5, Amendment to Job Description – Engineering Tech, from the Consent Agenda.

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

OLD BUSINESS:

1. Second Reading of Ordinance – Clubs and Lodges Text Amendment. Jennifer Kester, Associate Planner, presented a summary for this ordinance and recommended adoption at this second reading.

MOTION: Move to adopt Ordinance No. 1066 as presented.
Young / Kadzik – unanimously approved.

2. Second Reading of Ordinance – GHMC 1.20 Official Newspaper. Molly Towslee, City Clerk, explained that this ordinance amends the code to allow Council to make a choice by removing the specific reference to The Peninsula Gateway as the official newspaper, and adds a requirement that the official paper be adopted by resolution.

MOTION: Move to adopt Ordinance No. 1067 as presented.
Ekberg / Young – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Relating to Annexation and Zoning - Shafer (ANX 06-1302). John Vodopich, Community Development Director, presented this ordinance finalizing the annexation of a parcel on Soundview Drive. He explained that the annexation petition was accepted by Council Resolution No. 688 and approved by Pierce County Boundary Review Board on January 2nd.

Councilmember Dick commented that this should be passed without a second reading. He explained that there is no further consideration necessary and it wastes the process when it doesn't serve any public function.

MOTION: Move to adopt Ordinance No. 1068 at this first reading.
Dick / Young –

Councilmember Young asked for further clarification. He then commented that this doesn't meet the criteria for emergency passage, but he understands Councilmember Dick's comments.

Councilmember Ekberg said that he too understands, but the city has a process in place of two readings of an ordinance except in an emergency. He suggested that maybe we need to look at the policy and then carve out the ones that make sense to pass in one reading. As long as the policy is in place, he said that he will adhere to the two readings.

RESTATED MOTION: Move to adopt Ordinance No. 1068 at this first reading.
Dick / Young –

Councilmembers Young, Dick, Conan, and Kadzik voted yes. Councilmembers Ekberg, Franich and Payne voted no. The motion failed for lack of a supermajority vote and the ordinance will return for a second reading.

2. First Reading of Ordinance – Dahl Rezone (REZ 06-1326). John Vodopich presented this ordinance that changes the city's zoning map to reflect the Hearing Examiner's final decision to rezone this property. He addressed questions on the irregularities in the Zoning and Comp Plan maps.

Councilmember Franich stressed the importance of reconciling the two maps. He said that he was surprised to see the DB zone extending up Pioneer and said he was pleased to hear that this would be the last parcel to be zoned this way.

Ms. Kester explained that they are in the process of re-drafting the zoning map to conform to the new Pierce County system. She clarified that the parcel on the east side of Pioneer is a split-zoned parcel.

3. First Reading of Ordinance – To Exempt Net Shed from the Maximum Gross Floor Area Requirements in the Waterfront Residential, Waterfront Millville and Waterfront

Commercial Districts. A New Definitions for “Historic Net Sheds” is also Proposed.

Tom Dolan, Planning Director, presented the background information on this ordinance, drafted at Council’s request that would address the concern that current regulations could be a disincentive to preserve the historic netsheds.

Lita Dawn Stanton presented a PowerPoint slide show illustrating the inventory that she completed of netsheds along Gig Harbor’s waterfront.

Councilmember Ekberg complimented Ms. Stanton on the inventory, which reinforces the number of amazing historic structures along the waterfront. Councilmember Kadzik added that to have this inventory is a tremendous thing. He said this is a good first step in preserving these structures and he likes the direction that the Planning Commission has taken to do so.

Councilmember Young asked for clarification on whether a property owner would be allowed to drop the historic designation after gaining the exemption. Tom Dolan responded that if someone gained the bonus area through the exemption, and then tore down or withdrew the netshed from the historic register, no further building permits would be approved and they would potentially be in violation of the zoning code. One provision for allowing the bonus area is that it be maintained with a historic designation.

Councilmember Young then said that he would like to discuss the possibility that netsheds would not be allowed to be demolished or drastically changed in character.

Councilmember Kadzik agreed that this ordinance encourages adaptive reuse of the netsheds, but he could also get behind the idea of being more restrictive. Mayor Hunter agreed.

Councilmember Franich said that although the netsheds are a very important part of our history, he is a property rights person. He said that he discussed his concerns with the definition of netsheds with Tom Dolan and Councilmember Payne, and after learning that 17.07.050 lists the criteria to become part of the historic register, he said that he feels more comfortable. He then said that the ordinance speaks to the elements that preserve the netsheds in the manner that we would like to see. He asked if the ordinance would be back for a second reading before the Planning Commission has a chance to further clarify the definition during their February meeting.

Mr. Dolan responded that the intent is to bring it back at the next meeting, but if Council wishes to wait for the DRB to discuss changes, the ordinance would have to return for another first reading. Councilmember Franich said that he would discuss his concerns with Mr. Dolan rather than delaying action.

Tom Dolan explained that Lita Dawn Stanton has specific criteria for netsheds that the DRB will be asked to focus upon. Councilmember Franich then asked Mr. Dolan to speak to the discussion by the Planning Commission regarding other waterfront property owners should be allowed the benefit of the exemption.

Mr. Dolan gave an overview of the discussion during the Planning Commission meeting. He said that the problem identified is the square footages for the shoreline districts were established for a specific purpose. To allow anyone to expand waterward would be inconsistent with the Planning Commission's and Council's determination for those districts.

Councilmember Kadzik asked if it would be possible to include the inventory of netsheds as an exhibit to the ordinance. If so, then the definition of a netshed would be peripheral.

Councilmember Young commented that he did not believe that you can identify specific parcels in an ordinance such as this, but he deferred to the city attorney.

Councilmember Franich said that he opposed giving this specific list of properties exemptions. He cited Isamira Restaurant as an example of a structure that shouldn't qualify because it doesn't resemble a netshed any longer.

Councilmember Young pointed out that this structure is an example of adaptive reuse of the property, which is what will save these structures. Councilmember Franich responded that it is a fine line between saving the netsheds by allowing some adaptive reuse that is a benefit to the owner as opposed to a total change.

Councilmember Ekberg said that this is a good point; the architectural style on this building is the same, but the combined decking with another structure makes it different. The unique thing about the other netsheds is that they are standalone structures, and that may be something to consider in the adaptive reuse; to make sure that they remain standalone structures.

Councilmember Young pointed out that you would not be able to make these types of changes and still qualify for the historical exemption.

Tom Dolan said that he would check with Carol Morris on the inclusion of the inventory list of netsheds before the next reading of the ordinance.

Councilmember Payne asked if all seventeen identified netsheds are 50 years or older. Ms. Stanton responded that yes, the original structures are 50 years or older.

Kae Paterson – 7311 Stinson Avenue. Ms. Paterson explained that she served on the Planning Commission off and on for twenty-five years, and was involved in writing the first design ordinance showing that she cares a lot about the look of Gig Harbor. Ms. Paterson thanked Ms. Stanton for the inventory. She then explained that she has friends that purchased waterfront property but were unable to do desired work on their house due to the large netshed. The problem has since been solved, but if netsheds are included in the 3500 s.f. limitation, others may be forced to make a decision to eliminate their netshed in order to make improvements. She said that although it would

be nice to keep them all as fishing netsheds, that isn't going to happen, and we need to encourage adaptive reuse. Ms. Paterson said that she likes the idea of designating them as historic structures, and the idea of not changing the exterior unless it goes before the Design Review Board. She voiced concern with 17.97.050 which may act as a disincentive. She said that changes to the interior should not be required to go through design review process. She finalized by saying that we should do everything possible to preserve the netsheds.

Mayor Hunter agreed that adaptive reuse is the way to go and also that interior approval by DRB would be cumbersome.

Lita Dawn Stanton addressed this concern, advising that currently, the interior is not reviewed by the Design Review Board through the historic codes or otherwise. For the purpose of adaptive reuse, the interior is left alone.

4. Public Hearing and Resolution – Development Agreement (Olympic Driveland, LLC). John Vodopich presented this resolution approving a development agreement that would allow the city to collect the pro-rata share contribution for the Olympic Use Development project located at the 5200 block of Olympic Drive.

MOTION: Move to approve Resolution No. 699, accepting the Development Agreement for Street Improvements Monetary Contributions for the Olympic Use Development Project.
Young / Ekberg – unanimously approved.

5. Annual Survey Contract - Pierce County. John Vodopich presented this interagency agreement regarding the two new roundabouts. The one on Peacock Hill and the other on Pt. Fosdick are partially within the county, and this agreement allows Pierce County to do the survey work necessary to transfer of right of way so that the roundabouts lie wholly in the city's jurisdiction.

MOTION: Move to authorize the award and execution of the contract for the Interagency Agreement between the City of Gig Harbor and Pierce County for the amount of Seven Thousand Three Hundred Fifty Dollars (\$7,350.00).
Payne / Conan – six voted in favor. Councilmember Dick abstained.

6. Tangadoe Settlement Agreement. John Vodopich presented the settlement agreement that dismisses the appeal with prejudice and without any cost or attorney's fees. The agreement also prohibits any party from filing any damage claims against the other, arising from the appeal.

Councilmember Franich voiced his disappointment in the direction being taken. He said that it could set a bad precedent on variances adding that he thinks that it would be the right thing to do to pursue it.

MOTION: Move to authorize the Mayor to sign the attached settlement agreement and authorize the City Attorney to sign the Stipulation and Order of Dismissal, and to enter it into the court files.
Payne / Conan – five voted in favor. Councilmembers Franich and Dick voted no.

7. Bid for Official Newspaper. Molly Towslee said that she would like to recommend a daily newspaper to help with public noticing issues, but the bid that was received from the Tacoma News Tribune was significantly higher than the Peninsula Gateway. In addition, the News Tribune would charge for affidavits. She gave an overview of the fees paid during 2006, explaining that the bid from the TNT reflects an almost 260% increase if we ran the same legals through their publication. The affidavit charge would result in another \$2500 in charges.

Councilmember Ekberg noted that this comes up each year and it always a substantial financial difference. He said that he was hoping for an option to use one paper for legal notices and legal printing in the other, but found that this cannot occur. He said he hopes that staff can find a way to minimize the problem with delays in notification, as this results in an increase in costs for others.

MOTION: Move to award the official newspaper status to The Peninsula Gateway for 2007.
Ekberg / Franich – unanimously approved.

Councilmember Young recommended that staff contact the Gateway to see if late notices could be turned if we were willing to pay extra. Councilmember Ekberg suggested having a discussion with the Publisher at the Gateway regarding any other publishing concerns as well.

Ms. Towslee said that a resolution would return at the next meeting designating the Gateway as the official paper.

STAFF REPORT:

1. Mike Davis, Chief of Police – GHPD January Stats. Chief Davis offered to answer questions. He gave an update on Marline McClane, Police Services Specialist, explaining that they expect her to be back at work in a couple of months.

Councilmember Kadzik asked if take-home cars would have been beneficial during the recent inclement weather conditions. Chief Davis responded that the city was well taken care of very quickly with very little infrastructure collapse. If it had been a more serious incident, the city would have benefited from the officers being able to have all the officers on duty with their own vehicles.

Councilmember Dick asked about the decline in numbers in the later part of 2006. Chief Davis explained that he really couldn't explain the drop. He said that in prior

years, the department conducted warrant emphasis patrols. This last year, it didn't occur.

Councilmember Payne asked how heavily we rely upon our Reserve Officers. Chief Davis responded that our department is concerned with liability issues and so our Reserve Officers compliment our regular officers as a second person riding along.

2. David Rodenbach, Finance Director – Quarterly Report. David Rodenbach said that he was happy to announce that all funds are within budget for 2006 and everything went as planned with the estimated ending fund balances. He said that all funds have adequate funds to meet future short-term obligations, and offered to answer questions.

PUBLIC COMMENT:

Patty Cole Ulrichs – 445 7th Ave. Ms. Cole Ulrichs thanked the Mayor and Council for adopting the Toastmaster's Week Proclamation. She gave an explanation of the Toastmasters International Organization and the services that they provide. She said that next year she would like to ask for an entire month rather than just a week.

Mayor Hunter presented her with the signed proclamation.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Franich commented that under 17.48.070, Parking Standards for Millville Area, it says "Parking shall be provided for the combined total for individual uses." He recommended that the Planning Commission look at the parking standards in the Waterfront Millville Area and discuss whether they should be used in all waterfront zones. He said that it makes sense to use a combined total to calculate parking. Councilmember Franich clarified that he was seeking Council support to have the Planning Commission discuss the issue, and then report whether or not they think it is a good idea or not.

Councilmember Young stressed that parking standards in the downtown area are a huge undertaking, and he isn't interested in expanding the scope of the Planning Commission's duties at this time.

Mayor Hunter said that he didn't think it was that big of an undertaking. Councilmember Franich said that there were changes to make the parking standards, as they existing under the development standards of the different waterfront sections, more uniform.

MOTION: Move to request the Planning Commission to discuss the pros and cons of having combined parking in all waterfront zone.
Franich / Conan –

Councilmember Young again stressed that the Planning Commission has a lot on their plate and exempting the netsheds is a time sensitive issue that he would like to have

back as soon as possible. If this is something that should be addressed at a future time, then he would agree. Councilmember Franich and Ekberg concurred.

RESTATED MOTION: Move to request the Planning Commission to discuss the pros and cons of having combined parking in all waterfront zone.
Franich / Conan – unanimously approved.

Councilmember Young reported that the Intergovernmental Affairs Committee met with Tim Schellberg and held a conference call with the federal lobbyist. He explained that the federal lobbyist will be communicating on a regular basis and will share his work program. Councilmember Young said that he would put together a more detailed report to share with the other Councilmembers.

Councilmember Young then announced that there is a hearing on Wednesday at 3:30 p.m. in Olympia regarding reducing the tolls for transponder use. He asked if anyone else was interested in attending, and offered to testify on the city's behalf.

Councilmember Payne asked him for an update on the trip to Washington D.C. Councilmember Young explained that the federal lobbyist would like one or two of the elected officials to go to D.C. to make a pitch for the city. A list of dates will be forwarded to the Councilmembers to see who was interested in traveling.

Councilmember Payne asked about the legislation on spending flexibility for the hotel/motel tax. Councilmember Young said that he would look into that and report back.

Mayor Hunter thanked Councilmember Ekberg for serving as Mayor Pro Tem in the past. Councilmembers concurred that he should continue in this capacity for the year 2007. Mayor Hunter then asked Councilmembers if they would submit their preference for appointments on the Council Committees, and to get their information back to the City Clerk. If no changes are desired, the committees will remain the same.

Mayor Hunter thanked Councilmember Young for representing the city on the Pierce County Regional Council. Councilmember Young gave a brief overview of some of the issues facing PCRC and offered to continue to serve.

Mayor Hunter introduced Terry Brock, Superintendent for Peninsula District. Mr. Brock said that he was attending this meeting as a representative of the Chamber of Commerce.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Gig Harbor North Traffic Options Committee – Wednesday, February 21, 2007, at 9:00 a.m. in the Community Rooms A & B.
2. Council Retreat – Wednesday, February 28, at 8:00 a.m. in the Community Rooms A & B to discuss plans for the upcoming year.

ADJOURN:

MOTION: Move to adjourn at 7:28 p.m.
Ekberg / Conan – unanimously approved.

CD recorder utilized:
Disk # 1 Tracks 1 - 29

Charles L. Hunter, Mayor

Molly M. Towslee, City Clerk