

GIG HARBOR CITY COUNCIL MEETING OF APRIL 23, 2007

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

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

MOMENT OF SILENCE IN REMEMBRANCE OF CRYSTAL JUDSON-BRAME AND RECENT VICTIMS OF DOMESTIC VIOLENCE:

Mayor Hunter read a brief statement recognizing the anniversary of the tragic event that took the life of Crystal Judson-Brame and the recent loss of Turid Bentley and injury of victim Randall Nozawa. He said that this is the week of Domestic Violence Awareness and asked for a moment of silence.

SPECIAL PRESENTATION: Peter Pitman's Senior Project – Waterfall at the Welcome Center

Mayor Hunter introduced Peter Pitman, and thanked him for the beautiful water feature he built at the Welcome Center. He also recognized Richard O'Neill, Erin Rockery, for his assistance with this Senior Project.

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 9, 2007.
2. Correspondence / Proclamations: Native Plant Appreciation Week.
3. Reappointment of Ken Malich to the Gig Harbor Parks Commission.
4. New Appointments to the Gig Harbor Arts Commission.
5. Water Comprehensive Plan – Contract Amendment No. 1.
6. Waste Water Comprehensive Plan – Contract Amendment No 3.
7. Boating Safety Agreement with Pierce County Sheriff's Department.
8. Estuary Park Name.
9. Agreement for Construction Services with Puget Sound Instrument (PSI).
10. Purchase Authorization for a High Efficiency Plant Blower Unit.
11. WSDOT Developer/Local Agency Agreement Authorization.
12. Liquor License Renewals: Anthony's at Gig Harbor; Olympic 76 Gas Station; Kelly's Café and Espresso; Tanglewood Grill; and Bistro Satsuma.
13. Approval of Payment of Bills for April 23, 2007:
Checks #53378 through #53535 in the amount of \$618,222.92.

Mayor Hunter asked to move item number eight to New Business.

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

OLD BUSINESS:

1. Second Reading of Ordinance – Budget Amendment for Drug Investigation Fund. David Rodenbach, Finance Director, presented this ordinance that would allow expenditure of the city's share of a drug investigation and enforcement action.

MOTION: Move to approve Ordinance No. 1076 as presented.
Young / Kadzik - unanimously approved.

2. Second Reading of Ordinance – To Allow Zoning Code Text Amendments by City Council. John Vodopich presented this ordinance that would allow direct consideration by the City Council of matters such as zoning code text amendments and area-wide rezones without being first referred to the Planning Commission. He added that staff will be developing a process that will outline how this procedure will be utilized and will include the manner in which the Planning Commission will be notified prior to matters coming before Council.

Councilmember Franich asked if the process will allow the Planning Commission to ask Council to be able to hear the issue first. He voiced concern with the broad language contained in the ordinance.

Mr. Vodopich responded that during the first reading of the ordinance, the Planning Commission could request an opportunity to consider the issue first. He further explained that the Planning Commission members discussed this during the worksession with Council, and were comfortable with the intent of this ordinance.

Councilmember Young stressed that the Planning Commission always has the opportunity to offer their recommendation and he would be surprised if any Council ignored a request by this commission to consider an issue beforehand.

Councilmember Conan added that the policy will reflect an opportunity for the Planning Commission to review items that are coming before Council and they will then be able to make a recommendation. He said that if this policy doesn't seem to be working as it should, then this ordinance and the process can be amended.

Councilmember Dick explained that during the Worksession, noticing concerns were sufficiently discussed to move forward with this ordinance which allows the Planning Commission to work on the most important issues. John Vodopich added that the intent is to notice the Planning Commission in advance.

MOTION: Move to approve Ordinance No. 1077 as presented.
Dick / Payne – six voted in favor. Councilmember Franich voted no.

3. Second Reading of Ordinance – Traffic Impact Fees Update. Steven Misiurak, City Engineer, presented this ordinance to increase the city's Traffic Impact Fees. He stressed that this ordinance is for the interim, and staff would be coming back with a revised schedule based on 20-year of growth projects.

MOTION: Move for the adoption of Ordinance No. 1078 as presented.
Young / Ekberg – unanimously approved.

4. Second Reading of Ordinance – Clarifying the Procedures to Determine Impact Fee Credits. Steven Misiurak presented this ordinance that would clarify the procedures for determining impact fee credits. He clarified that developments already in queue would not be subject to these credits.

MOTION: Move for the adoption of Ordinance No. 1079 as presented.
Franich / Ekberg – unanimously approved.

5. Second Reading of Ordinance – Contract with State Treasurer L.O.C.A.L. David Rodenbach presented this ordinance that authorizes the city to consummate the financing for reimbursement for the seven police vehicles.

MOTION: Move for the adoption of Ordinance No. 1080 as presented.
Payne / Kadzik – unanimously approved.

6. Second Reading of Ordinance – Amendments to the City’s Transportation Concurrency Management System. Steven Misiurak explained that this ordinance would provide a single, comprehensive traffic model that would resolve duplication of work by multiple traffic engineers. This will also allow the city to more accurately determine transportation concurrency.

Mr. Misiurak addressed questions regarding maintenance of the model by staff. He said training is scheduled for this summer, and when completed, he could better estimate when the traffic model would be fully handled in-house.

He then explained that input from the developer would be requested right from the beginning to help determine possible mitigation strategies. There would be a concurrency evaluation and level of service analysis of both intersections and roadway links, and any mitigation requirements would then be proposed to the applicant. The applicant would have an opportunity, if they disagree with the results, to submit an independent analysis. Staff would then work with the applicant to come to a solution.

Mr. Misiurak stressed that the model will be calibrated with city-wide traffic counts at least yearly to compare what the model is predicting and to check the model outputs. He added that the model is predicting in-city trips, and also the influence of trips coming from the County. Mr. Misiurak further explained that the intent of this ordinance is to streamline and expedite the traffic review process. Currently, it takes an inordinate amount of time to convert the information supplied by a developer into a usable format. The purpose of this procedure is to keep an updated, consistent, and comprehensive model to quantify the available capacity after each development comes on board.

Mr. Misiurak was asked by Councilmember Payne if other cities are using this method, and by Councilmember Young if there would be a way to make a challenge to the city's traffic analysis more amicable if the report is proved to be in error.

Victor Salemann, David Evans and Associates, responded to the first question by saying that Maple Valley is using a similar process. He then explained that King County performs both the concurrency testing and modeling. He stressed that the challenge with what happened at North Gig Harbor is that each of the independent studies submitted weren't flawed, but they didn't have the advantage of consideration of the other developments. The model will keep track of development impacts in sequential order.

Councilmember Franich asked if a Concurrency Certificate could be amended if errors were found in the analysis. Mr. Misiurak responded that once the certificate is issued, it is valid with the development. Mr. Vodopich responded that the information would be used to recalibrate the model.

MOTION: Move to adopt Ordinance No. 1081 relating to various amendments to the City's Transportation Concurrency Management System.
Ekberg / Young -

Mr. Misiurak was asked to respond to the issue of credits. He said that credits could apply towards required transportation improvements or future permit fees. It was suggested by Councilmember Ekberg that this discussion has merit and could be addressed further at a later date.

Councilmembers Payne and Conan shared their concerns that this ordinance needs further consideration before adoption. Councilmember Ekberg called for the question.

MOTION: Move to adopt Ordinance No. 1081 relating to various amendments to the City's Transportation Concurrency Management System.
Ekberg / Young - a roll call vote was taken.

Ekberg – yes; Young – no; Franich – yes; Conan – no; Dick – yes; Payne – no; Kadzik – yes. The motion to adopt Ordinance No. 1081 passed four to three.

Councilmember Young offered to work with staff towards some of the concerns and to come back with an amendment.

7. Second Reading of Ordinance – Gig Harbor Arts Commission Amending GHMC Section 2.49.010. John Vodopich presented this ordinance amending the membership section of the Gig Harbor Art Commission to remove the language requiring the majority of the commission to work or reside in city limits.

MOTION: Move to approve Ordinance No. 1082.
Payne / Kadzik – unanimously approved.

8. St. Anthony's Hospital Project Management Services – Contract Amendment. John Vodopich presented this amendment to the contract for project management for the building permit phase. He added that the city is reimbursed for these costs by the Franciscan Health System.

MOTION: Move to approve the amendment to the Consultant Services Contract with Stalzer and Associates in an amount not to exceed Seven Thousand Five Hundred Dollars.
Franich / Young – unanimously approved.

NEW BUSINESS:

1. Public Hearing and First Reading of Ordinance – RB-1 Text Amendment. Jennifer Kester, Senior Planner, presented the background on this ordinance that would allow multiple buildings up to 5,000 square feet on lots zoned RB-1.

Mayor Hunter opened the public hearing at 6:48 p.m. No one came forward to speak and so he closed the hearing.

Councilmember Franich said that it was inappropriate to move forward on this amendment until it was determined whether or not the parcels are correctly zoned, adding that he didn't understand the rush.

Councilmember Young responded that this text amendment was requested three years ago. He stressed that this is an ownership issue; it does not change the intensity of use, it only prevents condominiumization.

This will return for a second reading at the next meeting.

2. Public Hearing and First Reading of Three Ordinances – Adopting Text Amendments Recommended in Phase 1a of the Design Review Process Improvements Initiative (ZONE 07-0016, 07-0017 and 07-0018). Jennifer Kester presented three ordinances that will adopt recommendations from Phase 1a of the Design Review Process Improvement Initiative. She explained that these first three ordinances are intended to fix overlaps in the code, adding that over the next several months more text amendments will be coming forward for consideration.

Mayor Hunter opened the public hearing at 6:56 p.m. No one came forward to speak and so he closed the hearing.

Councilmember Franich asked for clarification on the landscaping section regarding topping trees. He voiced concern that the language was very strong. Ms. Kester explained that this language already exists. She explained that the landscape standards will most likely be considered under upcoming phases of Comprehensive Plan Amendments. This amendment is only a procedural change and merges two existing standards into one.

Councilmember Dick asked if these conditions apply to everyone, or only someone taking development action. Ms. Kester responded that she would have to research the applicability section to answer that.

Councilmember Conan said that it would seem odd to apply to a property owner not involved with development activity. The same could be said of any design code violation.

After further discussion it was determined that the best method to address these concerns would be to refer this issue back to the Design Review Board and Planning Commission to review for future amendments. This will return for a second reading at the next meeting.

3. Resolution – Setting a Public Hearing Date for Butler Drive Street Vacation Request. John Vodopich presented this request from Mr. and Mrs. Sterling Griffin to vacate a portion of Butler Drive adjacent to their property. He recommended Monday, May 28, 2007 for the public hearing date. He responded to Councilmember Payne's question by saying that the zoning violation on this property had been taken care of.

Councilmember Ekberg asked that information on the size of the lot be brought back at the next meeting.

Rob Karlinsey gave a short legislative update while the City Clerk researched a number for this resolution. He said that the city fared well with grant proposals in this session. He reported that the Hospital Benefit Zone Bill and the Heritage Barn Bill would go to the Governor for signature; the Bridge Lights and the "Good to Go" transponder program were included in the state budget.

MOTION: Move to adopt Resolution No. 708.
Young / Ekberg – a roll call vote was taken.

Ekberg – yes; Young – yes; Franich – no; Conan – yes; Dick – no; Payne – no; Kadzik – no. The motion to adopt a resolution setting a hearing date for street vacation failed.

4. Estuary Park Name. John Vodopich presented the background on the Estuary Park, adding that it is time to choose a name. He said that the Gig Harbor Historical Society submitted a list of names, one name was submitted by Lita Dawn Stanton, and several pieces of correspondence had been received with additional suggestions for names. He asked Council for direction.

James Coke – no address given. Mr. Coke, a 17 year resident of the Sea Cliff Community, referred to the letter he submitted on the historical element of the park property and the importance of the Native American influence in the Harbor. He explained that a group of people gather on that site to perform ceremonies to reestablish the ancient covenant that the Native American people had in the land. He

stressed that he hopes that recognition for the importance of names will result in an appropriate Native American choice.

Jan Vance – 3503 Harborview Drive. Ms. Vance spoke in favor of naming the park after C.E. Shaw. She read a letter of recommendation from Linda McCowan, who could not attend. The letter explained that for many years, the city has promised that a street would be named after Mr. Shaw, and his last surviving child, Jane Shaw Carlson, has worked for years to see this happen. Naming the park after Clarence Shaw would accomplish this goal more appropriately by recognizing his many contributions to Gig Harbor. The letter she read included the history of the Shaw family and a request to name the park after C. E. Shaw. Ms. Vance said that she and Ms. McCowan are members of the Board for the History Museum and serve on the program committee.

Joy Herman – 5408 24th Ave NW. Ms. Herman, granddaughter of C.E. Shaw, offered additional background on his Racing Roosters which promoted Gig Harbor nation wide. She said that she would really like to see the park named after her grandfather, as his sign shop was located there.

Councilmember Ekberg thanked the Historical Society for the ample supply of worthy names from which to choose. He mentioned the significance of this particular piece of property, saying that it would be a fine location in which to choose a Native American name.

MOTION: Move to name the park Twa-wal-kut Estuary Park.
Ekberg / Young –

Councilmember Conan said that the Shaw name should be included on the list of Historical names, but agreed with the importance of a chance to honor the original settlers of Gig Harbor at this site.

Councilmember Franich mentioned that quotes from the newspaper article indicate that the Indian influence at the site was seasonal. He said that Shaw Park and Estuary is the proper name for the park.

Councilmember Payne stressed that there hasn't been enough time to consider this appropriately and suggested postponing a decision until Council could further educate themselves.

Councilmember Young explained that the Native Americans would winter in one area and hunt / fish in another. This site was the summer site for a couple of tribes that have since consolidated into the Puyallup Tribe. He suggested the book from the Historical Society that has a great history of Gig Harbor and mentions all these names as a reference. He said that he would like to name it after some of the native tribes that summered here, saying that he prefers Twa-wal-kut because it is what they call Gig Harbor.

Councilmember Kadzik agreed that more time was needed, added that he is leaning towards a Native American name at this appropriate place.

MOTION: Move to table indefinitely.
Payne / Franich – five voted in favor. Two voted against.

Councilmember Payne stressed that the motion to table was not intended to get rid of the agenda item; only to not specify a date for it to come back before Council. He then acknowledged the Shaw Family and their presentation of information and said it would be Council's absolute intent to find a way to find a way to honor C.E. Shaw.

STAFF REPORT:

1. Update of Eddon Boat Park. John Vodopich said that they are expecting to break ground on the relocation of the sidewalk along Harborview in July. He said that staff is going to Olympia to meet with members of the Regulatory Assistance members to discuss the status of the clean-up efforts. He then said that the Gig Harbor Boatshop Lease would be coming to Council in May. Finally, the brick house renovations should be coming in late summer or early fall.
2. Legislative Update. Mr. Karlinsey presented this report earlier in the meeting.
3. Quarterly Report – David Rodenbach, Finance Director. David Rodenbach said that results of the first quarter of 2007 are similar to that of 2006 and offered to answer questions.
4. Gig Harbor Police Department March Statistics. Chief Davis offered to answer questions. He recognized Sergeant Matt Dougil for his role in the investigation that led to the enforcement action involving WestNet.

PUBLIC COMMENT: No one came forward to speak.

MAYOR'S REPORT / COUNCIL COMMENTS / COUNCIL COMMITTEE REPORTS:

Councilmember Payne asked that a date be set for a Council Community Coffee Event. Councilmember Conan explained that he was working with the City Clerk on dates in June to meet at the Civic Center.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, May 30th, at 9:00 a.m. in Community Rooms A & B.
2. Operations & Public Projects Committee Meeting – April 26th, at 3:00 p.m. in the Eng/Operations Conference Room.
3. Groundbreaking Ceremony for St. Anthony Hospital – April 26th.
4. Parks Appreciation Day Celebration – April 28th.

EXECUTIVE SESSION: For the purpose of discussing park property acquisition per RCW 42.30.110(1)(c).

MOTION: Move to adjourn into Executive Session at 7:39 p.m. for approximately 30 minutes to discuss property acquisition per RCW 42.30.110(1)(c) and potential litigation per RCW 42.30.110(1)(i).
Franich / Conan – unanimously approved.

MOTION: Move to return to regular session at 8:13 p.m.
Franich / Conan – six voted in favor. Councilmember Dick had not returned to the Council dais.

MOTION: Move to adopt Resolution No. 708, setting the date for a public hearing for the Butler Street Vacation for May 28th.
Franich / Ekberg –

Councilmember Dick returned to the dais. He asked for clarification on how a lawsuit could result from not setting a hearing date for a street vacation.

Ms. Morris responded that she was not allowed to discuss potential litigation in open session and offered to meet with Councilmember Dick at a different time, or adjourning back into Executive Session if he wished to discuss this further.

MOTION: Move to table this item.
Dick /

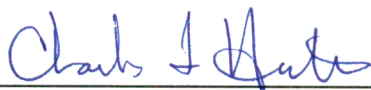
The motion failed for lack of a second. Councilmember Ekberg called for the question.

MOTION: Move to adopt Resolution No. 708, setting the date for a public hearing for the Butler Street Vacation for May 28th.
Franich / Ekberg – six voted in favor. Councilmember Dick voted no.

ADJOURN:

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

CD recorder utilized:
Disk #1 Tracks 1- 26
Disk #2 Tracks 1- 11



Charles L. Hunter, Mayor



Molly Towslee, City Clerk