

GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 10, 2007

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

CALL TO ORDER: 6:02 p.m.

PLEDGE OF ALLEGIANCE:

RECOGNITION CEREMONY: Gig Harbor Canoe and Kayak Team

Mayor Hunter said that Alan Anderson and the others that help with the group have provided a great activity for our youth. He introduced Alan Anderson, who gave a short introduction of the program and their story of human spirit.

He then invited Katrina Batina, a team member, to continue with a review of the team's season and the story of nine members who competed, and the five that went on to represent the USA in the world championships held in the Czech Republic. Ms. Batina explained that in the small village, Komarno, Slovakia, where they stayed during training, is home to the fastest K-4 athletes. Sprint kayaking is their bread and butter and these athletes were viewed as the town heroes. She concluded by saying that the members of the Gig Harbor Canoe and Kayak Team want to be the hometown heroes by representing Gig Harbor in the sport of Sprint Kayaking.

Mr. Anderson was asked to call out each assistants' and team members' names as Mayor Hunter presented them with recognition medals from the City of Gig Harbor.

Kit Kuhn – 3104 Shyleen Street. Mr. Kuhn spoke about how amazing this program has been, and voiced concern that the City Council doesn't recognize the importance of this program. He asked that Council consider support for this program in any way possible.

Councilmember Kadzik commented that the athletes and the program are a definite asset to the community and that this program is indicative of the people and spirit of this town. It provides a tremendous boost to living in Gig Harbor and they should be proud.

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

MOTION: Move to adjourn to Executive Session at 6:14 p.m. for the purpose of discussing pending and potential litigation for approximately thirty minutes.

Kadzik / Payne – unanimously approved.

MOTION: Move to return to regular session at 6:45 p.m.

Payne / Conan - unanimously approved.

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of August 13, 2007.
2. Receive and File: Boys and Girls Club Work Study Session Minutes - August 13, 2007, and 2008 Budget Calendar.
3. 20-Year TIP – Contract Amendment/HDR.
4. Wollochet Drive Roadway Rehabilitation Project – Bid Award.
5. Wollochet Drive Roadway Rehabilitation Project – Materials Testing Contract.
6. Wetland Review Consultant Services – Grette & Associates.
7. Eddon Boat Remediation Project – Contract Amendment/Anchor Environmental.
8. Permit Coordinator Above Mid-Range Hire.
9. Peninsula Historical Society Easement Agreement.
10. Liquor License Applications: Costco Warehouse; Gig Harbor Farmers Market.
11. Approval of Payment of Bills for Aug. 27th and Sept. 10, 2007:
12. Checks #55116 through #55254 in the amount of \$355,864.09.
Checks #55255 through #55360 in the amount of \$108,566.82.
13. Approval of Payment of Payroll for August:
Checks #4790 through #4850 and direct deposits in the amount of \$495,125.30.

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

OLD BUSINESS:

1. Resolution – Amending Historical Names List – Crescent Cove. Dick Bower, Building Official / Fire Marshal, explained that the applicant was able to work with the Historical Society to show that there has been historical use of the name of Crescent Cove in the area of his development.

MOTION: Move to adopt Resolution No. 723 adding Crescent Cove to the list of historical names.
Payne / Young – unanimously approved.

MOTION: Move to approve the use of “Crescent Cove Place” for the road serving the Crescent Cove project, a four-lot, single-family development.
Payne / Kadzik – unanimously approved.

NEW BUSINESS:

1. Public Hearing and First Reading of Ordinance – Transfer of Pierce County Right-of-Way: 36th & Point Fosdick and Peacock & Borgen Blvd. Stephen Misiurak, City Engineer, explained that this ordinance will transfer right of way in two locations in which newly constructed roundabouts are partially located on county property. This would allow the necessary transfer to the city.

Mayor Hunter opened the public hearing at 6:48 p.m. No one came forward to speak and the hearing was closed. He announced that this would return for a second reading at the next meeting.

2. Public Hearing and Resolution – Development Agreement Mallards Landing. Stephen Misiurak presented this resolution to adopt a development agreement as a condition for the owner to participate in a pro rata share of the traffic signal improvements at the intersection of Wagener Way and Wollochet Drive.

Mayor Hunter opened the public hearing at 6:50 p.m. No one came forward to speak and the hearing was closed.

MOTION: Move to adopt Resolution No. 724 authorizing the Mayor to sign a development agreement for the payment of pro-rata share contribution towards the Wollochet Drive/Wagner Way Signal Improvements.
Kadzik / Conan – unanimously approved.

3. First Reading of Ordinance – Amending the Environmental Review (SEPA) Chapter 18.04. Jennifer Kester, Senior Planner, explained that Washington State Legislature has adopted new SEPA Rules and this ordinance will incorporate those changes into the city's code. She said that in addition, this ordinance adds a new SEPA policy to ensure that police services are maintained at acceptable levels through mitigation fees.

Councilmember Young asked if it would be possible to do an analysis of new development to determine the need for additional police services. Mike Davis, Chief of Police, responded that they will do an analysis for new developments. He added that much of the development is commercial in nature which has an immediate impact on resources.

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

4. First Reading of Ordinance – Gig Harbor Estates Map Amendment. Cliff Johnson, Associate Planner, presented this ordinance to amend the city's official zoning map to reflect a site-specific rezone of 19.32 acres at the Gig Harbor Estates site, which was approved by the Hearing Examiner on May 29, 2007. He requested that this ordinance be adopted at its first reading as allowed by Ordinance 1088.

MOTION: Move to adopt Ordinance No. 1102 amending the official zoning map to reflect the approved site-specific rezone for Gig Harbor Estates at this first reading.
Dick / Conan – unanimously approved.

5. Public Works Director Position. Rob Karlinsey presented an overview of the Community Development Department function and a proposal to reorganize the department by replacing the Community Development Director with a Public Works Director position that would oversee engineering and operations. He continued to propose the elimination of the Director of Operations position through attrition and

create an Assistant City Administrator position that could be discussed during the 2008 budget process.

MOTION: Move to approve the Public Works Director position and authorize the City Administrator to recruit for and hire the position.
Young / Payne – unanimously approved.

6. Public Hearing on 2007 Comprehensive Plan Amendment Docket. Jennifer Kester explained that this is the first cycle using the new process for review of amendments to the Comprehensive Plan. She gave an overview of the process, explaining that this is the time for Council to decide which amendments should proceed through the process and be forwarded to the Planning Commission. Staff should be directed to prepare a resolution for any applications which Council does not want processed in the 2007 cycle. Ms. Kester then presented information on the five applications on the docket; three requested by the City and two from private developers.

Rob Karlinsey asked that an amendment be made to the Stormwater Capital Facilities Project List to add a Harborview Drive & Austin Street “Fish-Friendly” Box Culvert to the list. The estimated cost is one-half a million dollars and the funding source is through Salmon Recovery Grants and / or Federal Earmarks.

Mayor Hunter mentioned that it has been suggested in previous discussions that the other Austin Culvert could be a ditch-line maintenance culvert for Stormwater runoff that would cost much less than estimated.

Mayor Hunter opened the public hearing at 7:12 p.m.

Carl Halsan – Agent for the Applicant on one of the amendments. Mr. Halsan commented that they have had delays in Comp Plan Amendments over the last few years, and asked Council to allow their proposed amendment to go forward to the Planning Commission for recommendation back to Council. He described the proposal to change the land use designation for property on Grandview Street from Residential Low to Residential Medium, adding that they also submitted a companion rezone tied to a specific project to somewhat limit development options and to alleviate any concerns that this would be an open-ended amendment. He explained that the rezone would allow the developer to build a larger mixed use building, which would be a much better project than if the property were subdivided. He said that currently, the property is surrounded on three sides by much higher zoning. He then commented that he has done several comp plan amendments over the years and that this is a good process to weed out amendments which shouldn’t go forward. He asked that Council not “weed out” their request and allow this to proceed to the Planning Commission.

Councilmember Young commented that if this were to be approved this would be an automatic rezone because it would be inconsistent with the Comp Plan and the Hearing Examiner would surely rezone the property. He then asked if it would be a problem to let a Comp Plan Amendment go forward, knowing that there is no sewer capacity.

Carol Morris, City Attorney, said that approving Comprehensive Plans will require you to look at whether the city has adequate infrastructure and capacity. She said that additional capacity is anticipated, but it isn't a guarantee. If a comp plan amendment is approved, the developer will come in with a rezone and one of the things that will be considered is whether there is capacity. Without capacity they cannot approve the rezone and if denied, there is a provision in the code that won't allow them to re-apply for a certain period of time. She cautioned Councilmembers to look at the criteria before sending the Comp Plan Amendments through to the Planning Commission. When the Planning Commission forwards a recommendation back to Council, there is a whole other set of criteria to determine approval. One of those is adequate capacity.

Councilmember Young disagreed, saying that that you are looking for the plan to be consistent and to have adequate infrastructure for what you have planned. Ms. Morris advised him that he may be referring to the old Comp Plan approval procedure. She explained that the new ordinance has a number of criteria that you have to consider before approving the Comp Plan Amendments to go forward.

Councilmember Dick asked for clarification on which factors of the criteria this proposal does not meet. Ms. Kester read the criteria, reinforcing that circumstances have changed that warrant looking at the proposed amendment.

Councilmember Kadzik asked the downside of allowing this proposal to go forward. Ms. Kester responded that given the approval criteria, staff will not be able to recommend approval due to capacity issue at this time. Ms. Morris added that SEPA may not allow approval of the amendment when there is no capacity, and SEPA determination must be done on these Comp Plan Amendments by September 27th. She added that there is nothing to prevent the applicant from reapplying when there is capacity.

Councilmember Young said that he sees no risk in allowing this amendment to go forward because they still have to go through a concurrency process. Their project could be delayed for two years or more, which is a bigger risk than letting it proceed. He asked for further clarification.

Carl Halsan responded that they made application for this Comprehensive Plan Amendment as soon as they could last year and before the new process was in place. He added that they know there is no sewer capacity, but if this can't move forward for that reason, they will be starting from the Comp Plan Amendment point when capacity becomes available rather than at site plan or project approval.

Bill Fogerty – 3614 Butler Drive. Mr. Fogerty said that his home abuts the property in this comp plan amendment. He voiced concern that without enough information on plans on using the property, how Council can give approval. He asked that Council consider the single-family properties when changing the comp plan. He then stressed that this is the first notice he has received, asking how this could be when Mr. Halsan applied back in October. He said that he doesn't "buy into" making these changes without more homeowner input.

Councilmember Young explained that this is the first step in the amendment process and therefore, the first opportunity for public input. He explained that after the Planning Commission reviews an amendment, it returns to Council for decision. There will be plenty of time for public comment.

Mike Paul – 363 7th Lane, Fox Island. Mr. Paul explained that he is one of the owners of the Pioneer / Stinson property. He said that he and his brother have four generations of heritage in Gig Harbor as part of the Finholm Family. He said that they feel this can be an amazing project for the town. He gave a brief history of the original comp plan amendment over three years ago when there was sewer, but they weren't allowed to apply due to the hospital. He described their vision for this important project at the entry of Gig Harbor and then asked for the opportunity to move forward, knowing that there is no sewer capacity. They want to work on the process so that when the time comes there are fewer delays.

There were no further comments and the public hearing closed at 7:33 p.m.

Councilmember Young said that because of repercussions to the property owner, he doesn't want to stop and made the following motion.

MOTION: Move to accept the staff recommendation except for Application COMP-07-0006, and forward that on to the Planning Commission for further review.
Young / Conan -

Councilmember Ekberg asked what would happen regarding the sewer capacity when this reaches the Planning Commission. Ms. Morris responded that they would consider the criteria for approval of comprehensive plan amendments, SEPA recommendations, staff recommendations on concurrency, and GMA requirements regarding concurrency before making a recommendation back to City Council accordingly.

Councilmember Kadzik said that this is where all those things should be considered rather than at the Council level.

Ms. Morris explained that SEPA comes before the hearings. Ms. Kester reinforced this, adding that because of the late filing SEPA will be decided in the next two weeks.

Councilmember Young asked if an amendment with a determination of significance can be removed by the Planning Commission. Ms. Morris responded that yes, the Planning Commission would make a recommendation of denial. She further explained that when the Determination of Significance is issued, the city can contact the applicant to find out if there is anything that they could do to amend the application in order to change the determination. If not possible, the DS would stand and all the comp plan amendments would be delayed until the EIS for the one amendment is completed, because the SEPA threshold has to come first.

Ms. Sitts explained that there are time constraints this year that interfere with an EIS. She said that future cycles will always be August 15th through the last working day in February. That allows several months to deal with SEPA issues and the Planning Commission will have time to deal with recommendations.

After this further explanation, Councilmember Young apologized to the property owner, then withdrew his motion and made another.

MOTION: Move to accept the staff recommendation on forwarding applications to the Planning Commission and direct staff to bring back a resolution for the two that were not forwarded.
Young / Ekberg – unanimously approved.

7. Resolution to Amend Master Fee Schedule – Wetland Reports. Tom Dolan, Planning Director, explained that this is a way to require applicants who submit wetland reports to pay a fee to compensate the city for the amount paid for a consultant to review the reports.

MOTION: Move to adopt Resolution No. 725 amending the Master Fee Schedule by adding fees to fully reimburse the City for the cost of third party review of wetland reports and wetland mitigation reports.
Kadzik / Payne – unanimously approved.

STAFF REPORT:

1. Gig Harbor Police Department – August Report. Chief Davis offered to answer questions on the report.

Rob Karlinsey shared the story of Chief Davis catching two people engaged in a drug deal at the Skatepark while retrieving his uniform from the dry cleaners.

2. Request for Matching Funds – Pierce County Conservation Futures. Rob Karlinsey presented a proposal to purchase property adjacent to City Park at Crescent Creek by applying for a Conservation Futures Grant. He showed photos of the property, and explained that because the deadline to apply for the grant is September 17th he would need Council direction.

Councilmembers discussed the merits of the property and how it could be used by opening up public access and adding a viewing platform.

MOTION: Move to approve a city match of 25%, up to \$75,000, for a Conservation Futures Fund Grant to purchase the property at Crescent Creek.
Young / Ekberg – unanimously approved.

3. Burnham / Sehmel Annexation. Mr. Karlinsey asked Council on how to proceed with funding for a required wetlands analysis for this proposed annexation of 277 acres. He explained that the applicant that initiated the original annexation petition thought it unfair to have to pay for the entire study when City Council required that additional acreage be included. He suggested that Council could share in the cost of the wetlands study.

Councilmember Payne asked that the amount of wetlands that were added at Council's request be identified.

Councilmember Young talked about the significant benefit that would be gained through this annexation by preventing future disagreements with Pierce County. He added that he feels uncomfortable in asking one property owner to pay the entire amount. He suggested that the city pay for the study.

Councilmember Payne agreed, but voiced concern with setting precedence. Mr. Karlinsey agreed to find out more about the location of the wetlands and come back to Council with more information.

PUBLIC COMMENT:

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich asked what is happening on the property next to his on Harborview. He said he wondered if the city had changed height standards, because the beams on the house look out of place and construction has stopped.

Mayor Hunter said that there are height problems with the project. Tom Dolan, Planning Director, suggested that Mr. Bujacich come in and speak with Cliff Johnson regarding the project.

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

Councilmember Conan said that he attended a ceremony at the location of "Resource International" last Tuesday. This is a non-profit organization that does a lot of work in India and Uganda. He explained that the Ambassador of Uganda came to Gig Harbor to bestow Honorary Consulate status on Bob Goff, founder of the organization. There are several Ugandans living in Gig Harbor and the surrounding areas and so the organization on Rosedale Street has actual Ugandan Consulate powers. He asked that a proclamation recognizing the efforts of Bob Goff and Resource International be added to a future agenda.

Councilmember Payne announced that he would not be attending the Joint Work Session on Monday the 17th, as he will be out of town.

Councilmember Conan said that he too would miss the next few meetings because he is leaving for India and will be back in October.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, September 12th, at 9:00 a.m. in Community Rooms A & B.
2. Finance & Safety Committee – Monday, September 17th, at 4:00 p.m. in Executive Conference Room.
3. City Council/Planning Commission/DRB Joint Worksession – Monday, Sept. 17th, at 5:15 p.m. in Community Rooms A & B.
4. Operations & Public Projects Committee – Thursday, September 20th at 3:00 p.m. in Engineering/Operations Conference Room.

ADJOURN:

MOTION: Move to adjourn at 8:10 p.m.
Conan / Young – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 33
Disk #2 Tracks 1- 8



Charles L. Hunter, Mayor



Molly Towslee, City Clerk