

## **GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 10, 2008**

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

**CALL TO ORDER:** 6:00 p.m.

**PLEDGE OF ALLEGIANCE:**

### **CONSENT AGENDA:**

1. Approval of the Minutes of City Council Meeting of October 27, 2008.
2. Receive and File: a) Building & Fire Safety Monthly Report; b) GHPD Monthly Report; c) Joint City Council / Parks Commission Worksession 10/20/08; d) Budget Update Worksession 10/20/08;
3. Correspondence / Proclamations: a) Bob Mortimer Day; b) National Veterans Awareness Week.
4. Liquor Licenses: a) Added Privilege: Fondi Restaurant; b) Application: Julep Nail; c) Renewals: The Harbor Kitchen, Terracciano's, Half Time Sports.
5. Holiday Tree Lighting Entertainment Contract.
6. Resolution – Surplus Equipment.
7. Approval of Payment of Bills for Nov. 10, 2008: Checks #59318 through #59430 in the amount of \$1,623,740.78.
8. Approval of Payroll for the month of October: Checks #5268 through #5288 and direct deposit transactions in the total amount of \$343,358.70.

**MOTION:** Move to adopt the consent agenda as presented.  
Young / Payne - unanimously approved.

**SPECIAL PRESENTATION:** Mayor Hunter presented the “*Bob Mortimer Day*” proclamation to Mr. Mortimer. Judge Dunn explained that Mr. Mortimer speaks to a DUI Victims Panel on a regular basis and the impact that has on the participants.

Mr. Mortimer introduced the members of his team who accompanied him on his ride across America, and shared storied of their journey to spread a message of hope and courage.

### **OLD BUSINESS:**

1. Third Reading of Ordinance – 2008 Comprehensive Plan Amendments. Tom Dolan, Planning Director, presented a brief overview of the nine Comp Plan Amendments. The public hearing began with: **COMP 08-0001:** 3700 Grandview Street Comprehensive Land Use Map Amendment.

Mayor Hunter opened the public hearing at 6:13 p.m.

Carl Halsan – PO Box 1447, Gig Harbor. Mr. Halsan, agent for the applicant for COMP 08-0001. Mr. Halsan summarized the application. He said that they don't believe that

the site is properly zoned because of the intensity of surrounding uses. The size will allow them to be creative in layout, and the common ownership allows to provide for larger buffers. He highlighted the proposed benefits in their proposal:

- A 40' wide, dense buffer adjacent to the single family properties. Without the project, it would be a 25', less dense buffer.
- Wider and more dense buffer in the intervening property split which would be 45' and serve as a visual buffer to those properties below the project. Current zoning would only afford a 30' buffer.
- One curbcut off Grandview. They may eliminate the curbcut on Pioneer and there is no curbcut off Stinson. Current zoning they could have as many accesses and Public Works would allow.
- Preservation of significant trees. Survey shows 390 trees inventoried on the property and code only requires preservation of 78 or 20% of those. In the development agreement they are suggesting saving 117 or 30% of the trees.
- Mixed use development is not possible in the current zoning but is possible under this zoning and one of the Comp Plan Amendment goals.
- Current zoning requires all surface parking. This proposal places as much parking as possible under the buildings.

Mr. Halsan responded to a question by saying that the proposed height of the buildings at the two northwest corners is 25 feet, which is nine feet more than current code would allow. He stressed that they would commit to 25 feet in height.

Councilmembers and the Mayor voiced concern with the trees and loss of buffering along Grandview as this is the approach to the city. Mr. Halsan assured them that the building could be moved to save more trees and buffering along Grandview and that there are four options for placement of the buildings and buffering options. This could be dealt with through the Design Review process and made a condition of the Development Agreement.

Council then discussed the trees located in the city right of way and asked that the city save these trees during any roadway or sidewalk improvements.

Carol Morris, City Attorney, explained that she has reviewed the proposed Development Agreement and if Council approved the Comp Plan Amendment on condition of such agreement, they should have it in final form. She added that a Development Agreement requires a public hearing.

Council and the Mayor discussed what would be addressed in a Development Agreement. The building heights and scale of the project were mentioned as a concern. A suggestion was made to remand this project back to the Planning Commission for further public review which was discussed further. A question of timing on adoption of the remainder of the Comp Plan amendments was raised.

Carol Morris suggested that Council could adopt each amendment one at a time, then a comprehensive ordinance with all decisions could come back for final adoption.

Carl Halsan addressed the additional questions and concerns with the following comments:

- It is their hope that Council will adopt the Comp Plan Amendment subject to the adoption of a Development Agreement soon thereafter.
- Further Development Agreements will be required for a rezone if this is approved. This is just the first step of several.
- They have refined the project per the comments from the Planning Commission based on the process. They shouldn't have to go back in that process.
- There is nothing in the development agreement regarding height. They hope that the site won't remain in the height restriction area; it seems that it shouldn't be based on current code. If that change isn't approved, then the project will be built to the height restriction standards.

Bill Fogerty – 3614 Butler Drive. Mr. Fogerty thanked Council for reviewing the 25 signatures of residents in the basin strongly opposing the size and scope of the commercial side of this development. He offered these comments:

- Deer come through that area. He offered photos.
- 80,000 s.f. of development equals about 12 feet per resident in the basin.
- He objected to the 5000 s.f. zoning He asked if that is total building square footage or footprint. If footprint that would allow 45,000 s.f. of building when the commercial development across the street is 3000 s.f.
- The burden to show the need for a Comp Plan Amendment is up to the developer which hasn't been demonstrated. The drawing doesn't represent the neighborhood; it's way over scale and there is no need to have this commercial development is their back yards.
- The trees are going to disappear and they need them for wind and noise barriers.
- There are 16 foot height restrictions for a reason and just because you are at the top isn't a right for a dispensation.
- The homes in the basin will be able to see the building if it is allowed to build at 25 feet high.
- Where is the 25 feet measured from, Grandview or from his back yard?

Council clarified that this isn't about saving the trees because currently the lot could be mostly cleared; this is more about the bulk and scale of the project. There was discussion about allowing consideration of a Development Agreement in order to address these concerns. Under current code five or six single-story, 5,000 square foot buildings with surface parking could be constructed. This is an opportunity to work with the developer to guide the project rather than just allowing what is currently allowed by code. The height of the building is a whole separate issue that will be brought before Council at a later date.

Mike Paul – 3720 Horsehead Bay. Mr. Paul presented information on what could currently be built on this site under current code. He stressed that they want to make this a great project and the retention of just 78 trees, all surface parking and reduced buffers don't help Gig Harbor. He said that the substantial vegetative buffer being

proposed is designed to be impenetrable; not visually to be seen through. He said that they aren't trying to push anyone stressing that they don't have a final building design; this process is just for a Comp Plan Amendment to allow them to move forward. They have committed to an 85% limitation on the building size on the residential portion above. He said that they are trying to be as pro-active as they possibly can and are positive about saving trees by moving things around. He responded that they haven't considered reducing the size of the current proposed building scale stressing again that this isn't the design portion of the project. He added that the footprint of the building would need to meet the requirements for underneath parking to eliminate surface parking.

There were no further public comments and the public hearing closed at 6:55 p.m.

**MOTION:** Move to delay action on **COMP 08-0001** until the next Council Meeting to hold a public hearing on the final development agreement as recommended. Kadzik / Payne – five voted yes. Councilmembers Malich and Franich voted no.

Tom Dolan continued with the public hearings on the remainder of the Comp Plan Amendments.

1. **COMP 07-0005:** Gig Harbor Wastewater Comprehensive Plan Amendment to Sewer Basin C14. Mayor Hunter opened the public hearing at 6:58 p.m. There were no comments and the hearing closed.

**MOTION:** Move to approve COMP 07-0005 as presented.  
Kadzik / Conan – unanimously approved.

2. **COMP 08-0002:** Parks, Recreation and Open Space Element Update. Mayor Hunter opened the public hearing at 7:00 p.m. There were no comments and the hearing closed.

**MOTION:** Move to approve COMP 08-0002 as presented.  
Kadzik / Conan – unanimously approved.

3. **COMP 08-0003:** 3720 Harborview Drive Land Use Map Amendment. Mayor Hunter opened the public hearing at 7:01 p.m. There were no comments and the hearing closed.

Councilmember Franich said that this property had been commercial for quite some time but keeping it as R-1 would protect the residential character of the area.

**MOTION:** Move to approve COMP 08-0003 as presented.  
Kadzik / Conan – five voted in favor. Councilmembers Franich and Malich voted no.

4. **COMP 08-0004:** Area-Wide Land Use Map Amendment. The three amendments include:
  1. A land use designation change from Residential Medium (RM) to Residential Low (RL) of approximately 38 acres along the west side of Soundview Drive zoned R-1;

2. A land use designation change from Residential Low (RL) to Residential Medium (RM) of approximately 16.5 acres between Soundview Drive and Harborview Drive near the old ferry landing zoned R-2;
3. A land use designation change from Residential Low (RL) to Residential Medium (RM) of approximately 250 acres between Burnham Drive and State Route 16 in the Urban Growth Area with pre-annexation zoning of R-2.

Mayor Hunter opened the public hearing at 7:10 p.m.

Richard Kemp – 7551 Grandview Place. Mr. Kemp said that these properties should remain R-2 as they are surrounded by this type of development. He responded that the neighbors haven't contributed to any road development on the privately owned Grandview Place since he bought his property.

Beverly Pearson – 7122 Grandview Place. Ms. Pearson, who has lived in her home on the south side of Grandview Place for 49 years, explained that the neighbors paid to keep up that road. The property around her was R-1 when they moved in and had always been R-1; she didn't know when it had been changed. She voiced appreciation to the Planning Commission's recommendation to change it back.

Janet Metcalf – 7177 Grandview Place. Ms. Metcalf said she lives above the Kemps. She explained that Grandview Place is a private road and that it would be better zoned as R-1 because it's a quiet neighborhood.

Richard Kemp responded that the property owners in favor of keeping the higher zoning aren't talking about significant development because the city has rules and regulations.

Beverly Pearson responded by explaining what happened to allow the apartments located in the area.

There were no further comments and the hearing closed at 7:19 p.m.

**MOTION:** Move to approve COMP 08-0004 as stated in the packet and shown on the map to include the six, southerly properties.  
Young / Kadzik– five voted in favor. Councilmembers Malich and Franich voted no.

5. **COMP 08-0005:** Gig Harbor Wastewater Comprehensive Plan Amendments to Sewer Basins C1, C5 and C8. Mayor Hunter opened the public hearing at 7:24 p.m. There were no comments and the hearing closed.

**MOTION:** Move to approve COMP 08-0005 as presented.  
Kadzik / Malich – unanimously approved.

6. **COMP 08-0006:** Utilities Element Update. Mayor Hunter opened the public hearing at 7:26 p.m. There were no comments and the hearing closed.

**MOTION:** Move to approve COMP 08-0006 as presented.  
Kadzik / Conan – unanimously approved.

7. **COMP 08-0007:** Capital Facilities Plan Update. Mayor Hunter opened the public hearing at 7:29 p.m. There were no comments and the hearing closed.

**MOTION:** Move to approve COMP 08-0007 as presented.  
Malich / Conan – unanimously approved.

8. **COMP 08-0008:** Transportation Element Update. Mayor Hunter opened the public hearing at 7:31 p.m. There were no comments and the hearing closed.

**MOTION:** Move to approve COMP 08-0008 as presented.  
Malich / Conan – unanimously approved.

1. Second Reading of Ordinance – RLD Minimum Density Requirement. Peter Katich, Senior Planner, presented the background information on this ordinance to amend the allowed density in the Planned Community Development Low Density Residential (RLD) District from a maximum of four dwelling units to the gross acre to a minimum and maximum of four dwelling units to the gross acre.

John Chadwell – Olympic Property Group. Mr. Chadwell clarified that the maximum number has always been in place. In order to meet the GMA requirements, they went to four minimum. This ordinance doesn't allow any more; you just can't do fewer than four. He explained that he came before Council at the first reading of the ordinance describing this ordinance as a "big to do about nothing." He thanked Peter Katich and Tom Dolan for working on solutions.

**MOTION:** Move to adopt Ordinance No. 1146 amending the PCD-RLD Planned Community Development Low Density Residential District density requirements.  
Kadzic / Payne – six voted in favor. Councilmember Franich voted no.

2. Resolution – Sole Source Equipment: Courtsmart System. Paul Nelson presented information on the installation of a sound / video system in the Council Chambers to interface with Pierce County in an effort to reduce/eliminate the need to transport prisoners from the jail.

**MOTION:** Move to adopt Resolution No. 773 as presented.  
Young / Conan – unanimously approved.

### **NEW BUSINESS:**

1. Public Hearing and First Reading of Ordinance – Cemeteries Conditional Use Permit. Tom Dolan presented the background information for this ordinance that would allow existing cemeteries to expand as conditional use in the R-2 District. He explained that due to noticing requirements, the public hearing would be held at the second reading.

Catherine Jerkovich – 2106 Pacific Avenue, Ste. 500. On behalf of Haven of Rest, Ms. Jerkovich spoke in favor of the ordinance. She said that the Conditional Use Permit

process is what Haven of Rest currently has to go through with Pierce County to expand and so this would afford them the same process.

2. Resolutions - 2008 Property Tax Levy and Excess Property Tax Levy. David Rodenbach, Finance Director, explained that the first resolution sets the regular tax levy and the second excess levy is for the Eddon Boat bonds for collection in 2009. He described the breakdown of the increase and recommendation from the Auditor to approve the full 1.93% increase and then request a 1% increase from the Auditor allowing the city to bank the remaining capacity. The Auditor's other recommendations were to split the two levies and adopt by resolution rather than ordinance.

**MOTION:** Move to adopt Resolution No. 774 adopting the 2008 Property Tax Levy.  
Young / Conan – six voted in favor. Councilmember Franich voted no.

**MOTION:** Move to adopt Resolution No. 775 adopting the Excess Property Tax Levy.  
Young / Conan – unanimously approved.

3. Rainier Yacht Harbor Settlement Agreements. Carol Morris, City Attorney, gave an overview of the four pending appeals addressed with this agreement. She said that the settlement agreement does not establish an outcome, but it allows the Hearing Examiner to make a decision as to whether or not the applications are consistent with code and render an impartial decision. If the decision is approved with conditions acceptable with Rainier Yacht Harbor, then all pending lawsuits would be dismissed with prejudice.

**MOTION:** Move to authorize the Mayor to execute the Settlement Agreement with Rainier Yacht Harbor on behalf of the city.  
Young / Ekberg – six voted in favor. Councilmember Franich voted no.

4. Public Hearing and Resolution – Adopting the Six-Year Transportation Improvement Plan. David Stubchaer, Public Works Director, presented the background information for adoption of the 2009 Six- Year TIP. He said that the long-term solutions for BB16 aren't included at this time. He then introduced Gus Garcia, the consultant from HDR who assisted in the development of the TIP, to address Council questions.

Mr. Garcia responded to questions about sidewalk improvements on both sides of Skansie and Rosedale. He explained that the description in the TIP is predicated on current design standards and included for estimating purposes; these could be eliminated from the design.

Carol Morris further clarified that the TIP shows what the city is planning to do and so that you can apply for funding. The TIP does not obligate the city to build what is on the plan and can be changed at a later date.

After discussion a comment was made that by leaving the dual sidewalks in the TIP it indicates to future development that the city is serious about pedestrian safety.

Mayor Hunter opened the public hearing at 8:20 p.m.

Randy Boss. Mr. Boss said he would be submitting written comments. He addressed number 2 on the TIP: Hunt Street Connection Undercrossing. He said that the Pierce Transit Park and Ride facility is moving further north and installing a pedestrian overpass to connect Hunt Street. He suggested that it would be better to work with them to do a lane-over. He suggested changing the TIP so that it wouldn't be limited to just an undercrossing. Councilmember Young responded that topographically, an overpass isn't an option.

There were no further public comments and the public hearing closed at 8:24 p.m.

**MOTION:** Move to adopt Resolution No. 776 adopting the Six-Year Transportation Improvement Program (TIP) 2009-2014.  
Kadzik / Conan – unanimously approved.

5. Phase I Gig Harbor North Water Tank Parcel Consultant Services Contract. David Stubchaer explained that this hazard materials study is in anticipation of obtaining the property underneath the water tank already owned by the city and related to the latecomer's agreement that will be coming to Council on December 8<sup>th</sup>.

Councilmembers discussed the need for the assessment. Ms. Morris said that she recommends a Phase I on all property the city purchases to address the Model Toxic Act and doing the prudent assessment.

David Stubchaer added that this is one possible site of the deep Well #9 which is in negotiation for the water rights at this time. He recommended approval of the assessment because of this.

**MOTION:** Move to authorize the Mayor to approve the Phase I Environmental Site Assessment of the Olympic Property Group parcel #0222304009.  
Payne / Kadzik – six voted in favor. Councilmember Conan voted no.

**STAFF REPORT:** Rob Karlinsey presented information on a firm called *Career Management Institute* who has offered their services for career counseling and outplacement for employees who may be laid off. He asked Council to review the information and it will be brought back on the 24<sup>th</sup> for consideration.

**PUBLIC COMMENT:** None.

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



**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Boards and Commission Candidate Review Committee: Mon., Nov. 24<sup>th</sup> at 4:30 p.m.
2. Intergovernmental Affairs: Monday Dec. 8<sup>th</sup> at 4:30 p.m.
3. Gig Harbor North Traffic Options Committee: Wed., Jan. 14<sup>th</sup> at 9:00 a.m.
4. Coffee with Council – Postpone until 2009?
5. Walk with the Mayor – Postpone until 2009?

Rob Karlinsey recommended postponing the Coffee with Council and Walk with the Mayor until next year because it hadn't had the appropriate advertising.

**ADJOURN TO WORKSTUDY SESSION:** BB16 Analysis.

**MOTION:** Move to adjourn to the workstudy session at 8:35 p.m. to consider the BB16 Analysis.  
Franich / Conan – unanimously approved.

**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 9:35 p.m. for thirty minutes to discuss potential litigation per RCW 42.30.110(1)(i) and guild negotiations per RCW 42.30.140(4)(a).  
Young / Payne – unanimously approved.

**MOTION:** Move to go back into regular session at 10:00 p.m.  
Conan / Payne – unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 10:00 p.m.  
Conan / Ekberg – unanimously approved.

CD recorder utilized:  
Tracks 1001 – 1040.



Charles Hunter, Mayor



Molly Towslee, City Clerk