

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – MARCH 22, 2010

PRESENT: Councilmembers Ekberg, Young, and Malich. Councilmember Payne acted as Mayor Pro Tem.

CALL TO ORDER: 5:32 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of March 8, 2010.
2. Receive and File: a) Minutes of Jerisich-Skansie Joint Worksession of March 1, 2010.
3. Correspondence / Proclamations: a) Boys & Girls Club Week; b) Census 2010 Support.
4. LL Action: a) Renewals: St. Anthony Hospital, GH Farmers Market Assoc., The Green Turtle, Kimball Espresso Gallery, Harbor Greens, and Maritime Inn; b) Special Occasion Liquor License – Kiwanis Club; c) Special Occasion Liquor License – Soroptomist Club.
5. Third Amendment to Hearing Examiner Contract.
6. Letter of Understanding – Employee Guild.
7. Summer Sounds Concerts Contracts.
8. Tacoma RC Visitors Bureau Agreement.
9. Eddon Boat Property – Long Term Monitoring Plan Implementation.
10. Approval of Payment of Bills for March 22, 2010: Checks #63193 through #63308 in the amount of \$543,768.38.

MOTION: Move to adopt the amended Consent Agenda as presented.
Conan / Ekberg – unanimously approved.

PRESENTATIONS:

1. Boys & Girls Club Week Proclamation. Mayor Pro Tem Payne asked Director Joanne Maxwell to come forward to accept the proclamation. Ms. Maxwell introduced staff member Kory Eggenberger who in turn introduced some of the students who participate in the Boys & Girls Club Program: Ryann Bell, Jackson Garner, Torin O'Toole, Travis Sluka, Amanda Dunn, Tommy Duinn, Jenna Jones, Morgan Murphy, and Eddie Mason. The students shared why they like the Boys & Girls Club and presented invitations to the Council and City Administrator to come and visit the facility.

2. Census 2010 Support Proclamation. Mayor Pro Tem Payne presented the proclamation to Susan Ross and Lila Gale from the U.S. Census Bureau. Ms. Ross thanked the city for supporting the 2010 Census effort and encouraged everyone to return their forms.

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

MOTION: Move to adjourn to Executive Session at 5:37 p.m. for the purpose of discussing potential litigation per RCW 42.30.110(1)(i) for approximately twenty minutes.

Conan / Malich – unanimously approved.

MOTION: Move to return to regular session at 5:55 p.m.

Malich / Conan – unanimously approved.

Councilmembers Franich, Conan and Kadzik joined the meeting at this time.

OLD BUSINESS:

1. Thurston Lane. City Attorney Angela Belbeck presented the background information on the status of Thurston Lane as a public road.

Scott Rogel – Marvick Properties, LLC, 510 Lakeside Ave So, Seattle. Mr. Rogel, owner of property adjacent to Adams Street, said they have been working for three years to obtain a permit which is being held up due to lack of access to the fire hydrant on Thurston Lane. He discussed Thurston being the access to one-way Adams Street and how the dynamics would change if Thurston were to become a private street. Mr. Rogel asked that Thurston Lane be maintained as a public street.

Kit Kuhn, A Jeweler Design for You - 3014 Harborview Drive and Donna Moen, Gallery Row – 3102 Harborview Drive. Mr. Kuhn and Ms. Moen spoke in favor of keeping Thurston Lane public, citing parking issues and access to dumpsters and recycling bins as things that would be affected and would severely impact businesses. They urged the city to keep Thurston Lane a public street.

David McGoldrick – 820 A Street, Tacoma. Mr. McGoldrick referenced a written brief that he submitted to Council and gave an overview of the main points. He stressed that if Thurston is closed and Harborview businesses cannot access the back of their property, the city will be involved in any action. He passed out a copy of “*GoogleMaps*” showing Thurston Lane.

David Yando – 4041 Ruston Way, Tacoma. Representing ETC Real Estate Investments, Mr. Yando spoke in opposition of the proposed Council action to affirm the status of Thurston Lane as a public street. He referenced the documents he submitted to the city during the past week and described their relevance. Mr. Yando said that the other property owners all have alternative access to their parking lots. He also said this

is the first time he has heard of implied dedication which the city attorney is relying upon. He said this doesn't apply to a property owner unless the intent is to let the public use the property; ETC Real Estate has not let the public use Thurston Lane. He stressed that the way this has been presented to Council is improper and any attempt to covert his client's property requires due process through Superior Court.

Nick Tarabochia – 8021 Shirley Avenue. Mr. Tarabochia passed around a map of Gig Harbor circa 1936 which shows Judson Street and Thurston Lane. He referenced comments about "public domain" saying that his parents and he used this road throughout the years. He asked Council to resolve this issue adding that in his mind this is, and always has been a public street and should remain so.

Mark Hoppen – 8133 Shirley Avenue. Mr. Hoppen explained the difference between adverse possession and prescription; prescription occurs if property is in possession of the city and has been used for a period of over ten years. He said that if the city gives Thurston Lane away, they are giving away public property. He continued to say that Thurston is a city street which was discussed when the property was sold. It was sold as is; it was up to the buyer to clarify the title. Mr. Hoppen said that the issue was recently discussed once again with Mr. Clark. He encouraged Council to not take any action that would interfere with pending applications.

Dave Willis, Harborview LLC – 3210 Harborview Drive. Mr. Willis voiced concern that the large parking lot behind their building is already "tapped out" with all the businesses in the Gilich Building and their own tenants. He stressed that they don't need any more pressure on parking downtown if access to Adams is cut off.

MOTION: Move to affirm the status of Thurston Lane as a public street.
Ekberg / Kadzik –

Councilmember Young said the he was on Council at the time of the sale and there was no doubt in his mind that Thurston Lane was a public road and had been for decades. He said contrary to what had been stated previously, adverse possession is very common particularly in areas that are unincorporated or remote. For this to occur the possession must be conspicuous for longer than ten years; and clearly these standards have been met before Thurston Lane became city property. He then explained that vacation of a road would be a Council action; it cannot be done merely by sale of property. He apologized if past staff had indicated anything different, adding that he was unaware that it was even an issue until recently.

RESTATED

MOTION: Move to affirm the status of Thurston Lane as a public street.
Ekberg / Kadzik – unanimously approved.

2. Second Reading of Ordinance – Revising Grease Interceptor Ordinance 1107 to Reflect Uniform Plumbing Code Update. Wastewater Treatment Plant Supervisor Darrel Winans presented the background information and amendments to the ordinance since the first reading.

Councilmembers and Staff further discussed the proposed ordinance. Because there were still several questions it was agreed that more information is required before a decision could be made. Councilmembers agreed to contact Mr. Winans with any questions and directed staff to bring this back as a third reading at the next meeting.

Steve Lynn, Water to Wine – 9014 Peacock Hill Avenue. Mr. Lynn voiced appreciation for the city's need to address the quality of the wastewater system but said the feasibility of the requirements and adaptive reuse of buildings must be considered. He used his current remodel project as an example of how health department regulations place him over the threshold of this ordinance. He stressed that the cutoff point makes a big difference.

NEW BUSINESS:

1. Public Hearing – 2010 Comprehensive Plan Amendment Docket. Senior Planner Jennifer Kester presented an overview of the proposed docket for the 2010 review cycle which consists of two city applications and one private application for the 96th Street Land Use Amendment. She described the criteria for Council to determine which applications should move forward to the Planning Commission for processing.

Mayor Pro Tem Payne opened the public hearing at 7:18 p.m.

Dick Dadisman – 4206 97th St. Ct. NW, Avalon Woods. Mr. Dadisman said he is representing several other residents of Avalon Woods who are present tonight, then passed out written comments. Mr. Dadisman spoke against COMP-10-0013: 96th Street LLC Land Use Map Amendment saying it is inconsistent with the city's Comprehensive Plan and strongly recommended that the proposal not be forwarded to the Planning Commission. He gave an overview of concerns and objections to the more intense use. He stressed that if this were to move forward it would affect their quality of life and property values.

Lee Sorenson – 4405 Towhee Dr. NW. Mr. Sorenson, who owns the Burnham Storage Facilities, voiced concern with COMP-01-0013 because opening up the easement road

could lead to security problems. He also mentioned stormwater issues if the property is developed.

Richard Warnick – 4106 Vernhardson Drive. Mr. Warnick said he lives on the other end of 96th and the Employment Center Designation proposed in COMP-10-0013 is scary. It's all residential and he said he isn't sure what would happen if the roadway is opened.

Bill Wells – 4009 100th St. Ct. Mr. Wells endorsed what had been said by Mr. Dadisman. He spoke with pride about the positive aspects of Avalon Woods and said he wouldn't be proud of a manufacturing district. He talked about his Air Force experience with a transportation unit saying putting something like this next to a residential area is unkind and unconscionable. He asked that COMP-10-0013 not be forwarded to the Planning Commission and the Mixed Use Designation that was in place when he bought the property remain.

Joseph Wilson, Peninsula Light Company – 13315 Goodnough Drive NW. Mr. Wilson spoke in support of staff's recommendation to remove Peninsula Light's two acre parcel from this proposed land use modification. He described the current use of the property for substations and voiced concern that modifying the land use designation would make it prohibitive for them to expand in order to serve future growth.

John Holmaas – 7602 Goodman Drive NW. Mr. Holmaas said he had the privilege of developing Avalon Woods and being a partner in the development of Gig Harbor Business Campus, so both are like his children. He said he has heard many of the same arguments when these properties were developed. He said he concurred with staff's recommendation to remove the Peninsula Light property. He stressed that if there are noise or light problems with the Northharbor Business Park there are standards for these and criteria that have to be met; the tenants can be asked to come into compliance. He said these concerns have been addressed earlier. Mr. Holmaas said it is not their intent to access the property for heavy use from the 20' access road; access will come through Northharbor Business Campus. He then explained that they designed a stormwater pond to handle the entire eight acre site. He finalized by saying they will continue to work with on any further development concerns.

Dale Odell – 4110 97th St. Ct. NW. Mr. Odell said that the noise from the gun club is only certain times of the day. He also said that Peninsula Light is happy with the current zoning. Mr. Odell commented that the only parcel East of Highway 16 zoned Employment is Northharbor Business Park; the rest of this area was designated Mixed Use adding that there must have been a reason. He said that the required transition zone of 50 feet isn't much. He commented that the smells, noise and light from the Northharbor Business Campus aren't too bad, but they are there all the time. He encourage Council to listen to the people of Avalon Woods, Peninsula Light, Burnham Mini-Storage, Dogwood Estates and past Council action, and leave this property Mixed Use.

There were no further public comments and the hearing closed at 7:53 p.m.

Councilmember Malich asked for clarification on what happens if an amendment isn't forwarded to the Planning Commission. Ms Kester said it dies, but they could apply later.

Councilmember Young explained that the Comprehensive Plan Amendment procedure is a year-long process with a number of public hearings; many of these concerns could be mitigated. He said he supports this moving forward for economic development reasons.

Councilmember Franich said Avalon Woods has had issues in the past and said that he isn't convinced that their issues can be mitigated.

Councilmember Ekberg echoed the comments that it was early in the process and he doesn't wish to exclude additional comments. He said he supports this moving through the public process hoping that additional input will shape something beneficial to the community.

Councilmember Kadzik agreed saying that the Planning Commission will look at any concerns in detail, which gives the residents of Avalon Woods the leverage to make positive changes.

Councilmember Malich said he doesn't support this moving forward. He said that the Mixed Use District designations should go back to RB-2. He said the ED zone isn't appropriate in a residential area.

Mayor Pro Tem Payne pointed out that the RB-2 zone allows unlimited building sizes.

Councilmember Conan encouraged continued community involvement saying that without input we could end up with something much worse. He said that if there are no good solutions, Council will not adopt the amendment.

Mayor Pro Tem Payne reminded the public that voting to include an amendment is not an endorsement of an amendment but just to move it forward if it meets the criteria.

MOTION: Move that Application COMP 10-003 be amended to remove the Peninsula Light property and road property and move that all of the 2010 Comprehensive Plan Amendment applications, as amended, be forwarded to the Planning commission for further processing.
Young / Conan – five voted in favor. Councilmembers Franich and Malich voted no.

Staff was asked to work with Peninsula Light for a more appropriate zoning designation for their parcel.

2. First Reading of Ordinance – Title 15 Update. Building / Fire Safety Manager Dick Bower presented the update to the Building Codes in conjunction with the state's adoption of similar amendments. He gave an overview of the changes and addressed questions. This will return at the next meeting for adoption.

3. First Reading of Ordinance – Street Latecomer's. Senior Engineer Emily Appleton presented the information for this ordinance that would establish an application process and identify criteria for approval of Latecomer Agreements for street improvements. Staff and City Attorney Angela Belbeck addressed questions and concerns.

Councilmember Franich commented that the city is not obligated to do this for the hospital; money was collected through SEPA to mitigate the cost of the improvements. He talked about fairness and said smaller developments will have to pay for the roundabout improvements because the hospital chose this site. He said there needs to be early input by anyone affected by a Latecomers Agreement.

Councilmember Young asked for clarification on whether a parcel with capacity would be excluded from a Latecomers Agreement. Ms. Belbeck explained why they would not.

City Administrator Rob Karlinsey explained that the city could use the SEPA process, but a Street Latecomer option is simpler and puts more of the burden upon the applicant. There was further discussion on which properties would be included in a Latecomers Agreement.

Councilmember Ekberg encouraged the other Councilmembers to discuss this with staff before the second reading. He said that through lengthy discussions in the Operations Committee he has come to view this ordinance as another tool. He reminded everyone that Council has the final approval authority.

John Chadwell, Olympic Property Group – 19245 10th Ave E, Poulsbo. Mr. Chadwell said that the questions that just came forward on this topic illustrate the challenges of this ordinance. He pointed out some of the main challenges: the amount of the fees; the capacity depends on when the study is done; the challenge of burden of proof; and whether trips should be guaranteed for those included.

Staff was directed to address the concern of guaranteed trips and bring the ordinance back for a second reading at the April 26th meeting.

STAFF REPORT:

1. Wastewater Capacity Update. Rob Karlinsey recommended that Council review the spreadsheet and call him with questions.

2. PROS Plan Approval Schedule. Mr. Karlinsey recommended the same approval schedule for the Jerisich/Skansie Parks Plan and Parks, Recreation and Open Space plan.

3. Pierce Transit Community Meeting. Rob Karlinsey announced this meeting to be held at the Civic Center on March 29th at 6:00 p.m. He urged city representation. Councilmember Young said he would try to come. Councilmember Conan said he would attend.

4. Harborview Drive Watermain Replacement Update. Mr. Karlinsey reported that the Public Works Crew did an outstanding job of installing the Harborview Drive Watermain which is in place and operational.

5. Masonry Award. Mr. Karlinsey reported that the city received an award from the Masonry Institute of Washington for the Costco Project. Planning Director Tom clarified that it was a Community Excellence Award for Costco, St. Anthony's Hospital, and other projects. Mr. Karlinsey said it is a credit to the city's design code.

PUBLIC COMMENT:

Shirley Hansen – 3725 60th Street Court NW. Ms. Hansen spoke on the Gateway article on panhandling. She said that panhandling has a negative connotation for our city and urged the City Council to get involved.

MAYOR'S REPORT / COUNCIL COMMENTS:

Councilmember Kadzik reported that the Gig Harbor Historical Waterfront Association invited Senior Engineer Jeff Langhelm to come to their roundtable meeting and give an update on the Harborview Watermain.

Councilmember Malich questioned why there were no ADA door openers on the Council Chambers. Staff offered to get back to him with an answer.

Councilmember Young reported that the Lodging Tax Advisory Committee met with the Chamber of Commerce Executive Board regarding an interest in re-establishing its own Visitor's Center. He said a recommendation from the LTAC will be forthcoming. He then reported that the Pierce County Regional Council began the Population Allocation Update and he has been appointed to the sub-committee. In conjunction with Senior Planner Jennifer Kester's work on the Growth Management side they will get it pushed through. Another big undertaking is the County-wide Planning Policies which have to be adopted by 70% of the cities and 60% of the population. He then said they are also working with Puget Sound Regional Council on the Vision 2040 Planning implementation and transportation update. He said he will bring forward regular updates on all these items.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Operations & Public Projects Committee – Thur. Mar 25 at 3:00 p.m.
2. Planning / Building Committee – Mon. Apr 5 at 5:15 p.m.
3. Gig Harbor's Traffic Demand Model Presentation – Thurs. Apr 8 from 8:30 a.m. to noon.
4. Intergovernmental Affairs Committee – Mon. Apr 12 at 4:30 p.m.
5. Volunteer Appreciation Event – Mon. Apr 19th at 5:30 p.m.
6. Jerisich / Skansie Parks Workstudy Session II – Mon. Apr 19 at 6:30 p.m.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30.110(1)(i); and to discuss the acquisition of real estate per 42.30.110(1)(a).

MOTION: Move to adjourn to Executive Session at 8:53 p.m. for the purpose of discussing potential litigation per RCW 42.30.110(1)(i); and to discuss the acquisition of real estate per 42.30.110(1)(a) for approximately thirty-five minutes.

Conan / Kadzik – unanimously approved.

MOTION: Move to return to regular session at 9:20 p.m.

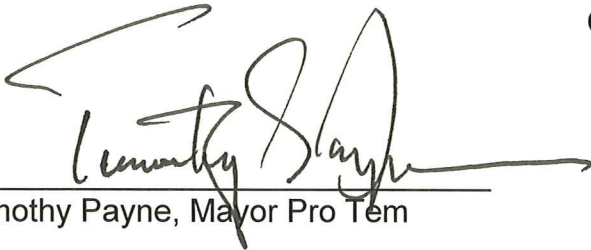
Kadzik / Conan – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:20 p.m.

Conan / Kadzik – unanimously approved.

CD recorder utilized: Tracks 1002 – 1046



Timothy Payne, Mayor Pro Tem



Molly Towslee, City Clerk