

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – April 8, 2013

PRESENT: Councilmembers Ekberg, Young, Guernsey, Perrow, Malich, Payne, Kadzik, and Mayor Hunter.

CALL TO ORDER: 5:31 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes Mar. 25, 2013.
2. Liquor License Action: a) Application: Tobacco Harbor; b) Application: Devoted Kiss Café; c) Discontinued: Premium Wine and Liquor Northwest;
3. Receive and File: a) Planning Commission Minutes: Dec. 6, 2012, Jan. 17, 2013, and Feb. 7, 2013; b) Planning/Building Committee Minutes: Mar 4, 2013; c) Downtown Planning and Visioning Committee: Jan 30, 2013, Feb 19, 2013, and Feb. 27, 2013; d) Lodging Tax Advisory Committee Minutes Jan 10, 2013.
4. Resolution No. 925 – IT Surplus Equipment.
5. Approval of Payment of Bills Apr. 8, 2013: Checks #72134 through #72268 in the amount of \$832,698.91.
6. Approval of Payroll for the month of March: Checks#6937 through #6958 and direct deposits in the amount of \$342,174.44.

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

SWEARING IN CEREMONY:

Chief Mike Davis explained the importance of the oath of honor to remind us all of a police officer's commitment to higher ethical standards. He said that tonight we have two important promotions to celebrate the administration of the oath.

Sergeant Matt Dougil. Chief Davis gave an overview of Matt Dougil's background. Mayor Hunter administered the oath and Sergeant Dougil's wife Bayette came forward for the ceremonial pinning on of his badge. Chief then presented Sergeant Dougil with a certificate of promotion.

Lieutenant Kelly Busey. Chief Davis then introduced Kelly Busey, presenting a summary of his 22 years of service and accomplishments while working for the Gig Harbor Police Department. Mayor Hunter administered the oath and Lieutenant Busey's wife Sherrie came forward for the ceremonial pinning on of his badge. Chief then presented Sergeant Dougil with a certificate of promotion.

OLD BUSINESS:

1. 2013 Comprehensive Plan Amendment Docket. Senior Planner Lindsey Sehmel provided an overview of the process for these land use comprehensive plan

amendments and the selection criteria council must consider in their decision. She gave an overview of the two proposed amendments.

Councilmember Kadzik said that the proponents have provided good argument to justify the change in designation, but he doesn't see anything compelling for why we should make the change. He used the recent proposal on Grandview as an example in which council took the position to not allow commercial "creep," and said Councilmember Malich made a good point at the last meeting. He said he doesn't see a good argument for changing the designation, and is in favor of keeping things the way they are.

Councilmember Malich added that he feared there could be a reverse effect on the commercial planned community area across the freeway. He said he doesn't want this to go forward to the Planning Commission. He said he does like the Harbor Vision Plan and it should be forwarded.

MOTION: Move to forward to the Planning Commission only Comp Plan Amendment PL-COMP-13-002.
Ekberg / Kadzik –

Councilmember Kadzik commented that this is a good example of how this method of determining whether or not to move a comprehensive plan amendment forward can save time and money for both the developer and the city if something doesn't make sense for the city's vision.

Councilmember Young asked if we have complete legal discretion on whether to not allow a request to move forward. He said that he wants to make sure that we have defensible reasoning.

Ms. Kester explained that if council decides not to move forward the Burnham Hill Commercial application, staff would come back with a resolution that includes findings based on the criteria that call out the reasons for why you chose not to move this forward.

Councilmember Ekberg said that one of the criteria is that circumstances have to have substantially changed, and he sees nothing to that effect. There was an existing gravel pit, a contractor's yard, and office buildings when the area was annexed, and this property is already zoned with a buffer designation between the more intense commercial and residential use. He said he sees no reason to move this forward.

Councilmember Payne asked if the selection criteria is a mostly due process checklist; not whether or not we like the project, but whether it meets the minimum requirements to be considered by the Planning Commission. Ms. Kester responded that council could look at these criteria at a minimum, but it also provides the ability to decide whether or not it meets council's vision as long as you can make appropriate findings.

Councilmember Payne then said he is torn because he agrees that there hasn't been a significant change but thinks that going through the Planning Commission process would afford an opportunity for discussion on land use for the entire area.

Councilmember Guernsey said the property is classified as Urban Residential Moderate Density that would allow several uses including medium density residential, multiple family residential, RB-1, and RB-2, and so within those classifications there is room for something appropriate for the site. She said that the changes there are minor so it does not pass the substantial change circumstance test.

Councilmember Perrow said he echoed comments from Councilmembers Payne and Malich on how to address that freeway site and future growth. He talked about the traffic concerns saying that the ability to use shoulders is horrible, and there are signs that say no pedestrians. He agreed what was needed is a global view of the area, but not on the backs of an applicant.

Councilmember Young said we should clarify our policy to make sure we know what is substantial or what type of change would trigger an amendment. He said he felt somewhat obligated to move it forward from the last meeting because they met a basic criteria, but Councilmember Guernsey made a compelling argument for the existing zoning.

Councilmember Payne agreed that we need a broad, comprehensive review of this area by the Planning Commission.

RESTATED MOTION: Move to forward to the Planning Commission only Comp Plan Amendment PL-COMP-13-002.
Ekberg / Kadzik – unanimously approved.

Ms. Sehmel suggested that this could be added to the Planning Commission review for the major update to the comprehensive plan scheduled for 2015.

NEW BUSINESS:

1. Public Hearing and Resolution No. 926 Purdy Urban Growth Area Development Standards. Planning Director Jennifer Kester presented the background information for this proposed resolution in support of a Pierce County code amendment process that would increase the maximum building height to 35 feet and maximum building size to 10,000 square feet for the commercial area in Purdy. She explained that this has been published as a public hearing to allow the neighbors an opportunity to comment, and that a letter has been received from Western Oyster Properties voicing concern with sewer and stormwater runoff that will be forwarded to Pierce County along with any other comments from this public hearing.

Mayor Hunter opened the public hearing at 6:07 p.m.

David Boe, Boe Architects, 705 Pacific Avenue, Tacoma. Mr. Boe spoke in support of the resolution. He explained that the Waterfront Commercial designation was developed with a focus on the inner harbor and views, whereas the conditions at the Purdy Activity Center are quite different. He said that the ability to develop to the county's standards and their visioning process has conflicts in this area. Mr. Boe said that he appreciates city staff meeting with the county to address the anomalies, and stressed that because the area is in the UGA, any development there will still have to go through the city review process. He asked for Council's support of the resolution.

Rob Richardson – Peninsula Light Engineering Department, 13315 Goodnough Drive NW. Mr. Richardson spoke regarding in the aerial power lines over the existing structures south of the Purdy Bridge. He explained that regulations require a 15 foot distance from conductors to the top of a structure; the existing poles are 34 feet, and so raising the building height to 35 feet would encroach on that distance requirement. He said that Peninsula Light would entertain options, but said that raising the poles and lines higher would raise problems with the neighboring properties that would then be looking into power lines into the view corridor. The second option to underground the lines has significant problems due to permitting, easements, and the Army Corps of Engineers regulations for placement of transformers. He said that Peninsula Light recently looked into undergrounding lines in that area but due to current conditions decided that it couldn't be done. He then said that as a community, if property owners grant a corridor, it may be possible. He said he just wanted to point out that there may be other issues with raising building heights. He responded to questions by explaining that there are both 10' horizontal and 15' vertical power line separation regulations, and that most all the existing structures are directly under the existing lines.

Gary Meyers – 9001 Reid Road. Mr. Meyer explained he is partners with Kent Kingman to develop the old Tides Realty Building into a restaurant. He said he has been in contact with Peninsula Light regarding the power lines. He explained that the reason they wish to increase the building sizes and height is to have a presence and good view of the water in order to develop something that would be a good addition to the community. He explained that the simplest solution to the power lines is to raise them, but added that they are open to underground the lines. He answered Councilmember questions about the location of his building in relation to the power poles and the current building height.

Dave Morris – 2809 Harborview Drive. Mr. Morris explained that he is a property owner and managing business partner of the Purdy Shopping Center, which is part of the Activity Center Zone located north of the bridge. He said that they have no power line issues, but he is in support of the resolution. Mr. Morris said that if something can be done to mitigate the impact of the power lines then this is a reasonable request. He talked about an old aerial photo back in the 40's showing a 2-1/2 story sawmill at the location of the shopping center, proof of a history of tall buildings at that site. He said that he has no immediate plans to elevate the height at the shopping center, but he would like that flexibility. He added that this is one of few areas that you can increase the building height without impacting the neighbors because they sit up so high.

Kent Kingman – 1002 114th St. Ct KPN. Mr. Kingman explained he is a partner with GKS and owner of Minterbrook Oyster Company. Mr. Kingman said he very much in support of the resolution and talked about his vision for a destination, retail fish shop with live tanks for the native seafood. In addition he wants to build the classiest waterfront oyster bar / fish grill in the northwest. He explained that the reason for the 35' height is for a second story that could perhaps accommodate a conference area. He said that he loves wood, stone, and timber, and wants a nice, classy building that will set a trend for this area. He also thanked the city for their quick response.

Councilmember Kadzik asked if he would have freshwater fish such as trout. He responded that yes, he would. Councilmember Malich asked about parking requirements and the impact to the project if the height increase isn't approved.

Mr. Kingman and David Boe addressed these questions by saying that new development has to comply with the base flood elevation issues, which means the base level will be 4-5 feet in the air which only leaves 11 feet for a building in the existing 16 foot zone. He then said that the power lines are an issue but the building could be designed with a swooping roofline to meet the power line clearances. He stressed that any building design will have to go through the design review process. He addressed the parking issues by saying the site is unusually shaped and they will be able to meet the parking requirements on-site; this plan will look at the whole area comprehensively.

There were no further comments and Mayor Hunter closed the public hearing at 6:22 p.m.

Councilmember Kadzik said he applauds this effort to bring something decent to the Purdy area; to a place with a billion dollar view that has been the "step-child" of development. He said he is all in favor of the proposal.

Councilmember Young commented that this is a complicated land use issue within our urban growth area, but outside our jurisdiction. He said that the county is applying rules that really don't fit and so at some future date we should take a look at the entire area to come up with development codes that make sense. He recognized the concerns raised by Peninsula Light, but said the project will have to abide by development regulations from all the jurisdictions, saying that it isn't something that council can deal with here.

Councilmember Ekberg asked staff if the 35 feet and 10,000 square foot limits on the water are used anywhere else in Pierce County. Ms. Kester explained that Pierce County agrees with the 35 feet height, but they would prefer no gross floor area limitations. She explained to the county that this is a common regulation in the city and so this would be appropriate here. She responded that this would create a unique zoning designation in the county.

Councilmember Young pointed out that this is a reasonable request in the short term to help an emergent project.

Councilmember Malich asked for clarification of the urban growth area boundary here. Ms. Kester said that the Pierce County Activity Center boundary runs from 144th to where Aspen Land Surveying was located. Councilmember Malich then commented that there could be development affected by the higher buildings, which he doesn't support.

MOTION: Move to adopt Resolution No. 926 as presented.
Young / Payne – five voted in favor. Councilmember Malich voted no. Councilmember Guernsey abstained due to her work as a Pierce County Land Use Attorney.

2. Public Hearing and Resolution No. 927 - Cushman Trail Cottages Annexation. Senior Planner Lindsey Sehmel presented the background request to annex approximately 5 acres located east of Canterwood Boulevard and south of 122nd.

Mayor Hunter opened the public hearing at 6:34 p.m.

David Fisher – 7766 Beardsley Avenue. Mr. Fisher described their proposal to develop 1/3 of these 5.26 acres with a cottage community; the rest would be left in trees and the existing stream. He offered to answer questions.

John Krawczyk – 12217 58th Ave NW. Mr. Krawczyk, spoke for the McCormick Ridge Homeowners' Association. He asked about access to the property and voiced safety concerns with accessing the property from Canterwood due to the curve and hill on Canterwood Boulevard, and with the vehicle speed and visual issues at this intersection. The second concern he voiced was with utility cuts in the brand new pavement and disruption to traffic. He also said that they would like to see a sidewalk connecting with the hospital.

There were no further comments and the public hearing closed at 6:40 p.m.

MOTION: Move to adopt Resolution No. 927
Malich / Guernsey – unanimously approved.

STAFF REPORT: None.

PUBLIC COMMENT:

Kurt Salmon – 7400 Stinson / 6712 Kimball Drive (business). Mr. Salmon said he adamantly believes in the rule of law and that it applies to everybody. He explained that several years ago he got an arborist report to cut down a tree and was told by the city that he had to have a site plan and go through the permitting process. They decided against the removal because there was no room to plant three smaller trees. Now, Fire District No. 5 chops down a tree without a permit, which he finds to be terrible because it was a beautiful tree. He said he can't understand why we would allow this to occur

without a permit, variance, or a site plan. He said the city told him that the fire district was supposed to have a permit and site plan but went ahead without it. Mr. Salmon continued to say that it's obvious from comments in the Gateway that the 9-1-1 Memorial is more important than complying with the city rules. He also said that the tree may have leaned, but has withstood earthquakes and high winds. Mr. Salmon called the act malfeasance under the RCWs and that the city should hold these people's feet to the fire.

Ms. Kester responded that staff contacted the fire station and found out that an arborist report had been obtained, but the district did not submit it to the city for the required review and the necessary replacement plan before removing the tree. She said that Planner Dennis Troy is following through with the code enforcement and working with the fire district on a replacement plan. Because they are cooperating with the city, a notice of violation has not been issued, she said, and explained that the city doesn't have a fine for removal of trees.

Councilmember Kadzik asked for clarification about the rules regarding illegal tree removal. Ms. Kester said that you are required to plant three trees in place of one that should have been retained. She commented that the DRB has proposed a Green First Initiative for Planning Commission review that will address the fact that our code isn't as complete as other jurisdictions when it comes to tree retention.

Councilmember Payne asked if the elm at the fire station would have been considered a "heritage tree." Ms. Kester described some of the criteria and said that this tree probably would not qualify. She responded that there is a civil penalty action of \$100 a day if someone doesn't take the necessary corrective action.

Councilmember Payne suggested that we need to reconsider our penalty process for that type of action.

MAYOR'S REPORT / COUNCIL COMMENTS:

Councilmember Perrow voiced irritation because nothing has been done to address the issue of vendors parking on the grass at Skansie during the Farmers Market. He said that he also has a problem with them dominating the middle of the park, especially on Sundays when most families have time together on their day off. He explained that the city has spent extra money to market Gig Harbor as Washington's Maritime City, but when people visit they see white tents and trucks which just isn't the image of Gig Harbor. Councilmember Perrow discussed the number of vendors that are arts and crafts rather than perishable goods, adding that he would be happy to plan flea markets to pack people in on Fridays and Saturdays. He said evidently, staff has worked it out to where two box trucks can park on the lawn; these are the large trucks which are the most offensive. He said he suggested moving the booths to the south property line but the vendors claim they need vehicle access. He stressed that this is a park, not a parking lot, and Council needs to come together and figure out what we want to see at

this site, because this is inconsistent with our image. Also, staff is getting mixed messages.

Mayor Hunter explained that some councilmembers wanted to encourage downtown commerce and so a farmers market was allowed on Wednesdays as a way to get more people downtown; then it grew to include Sundays. He said that Judson Street was also considered, but merchants opposed that option and were afraid the vendors wouldn't pay sales taxes. He said that we need a solution to be able to capture the best of both, because the farmers market does bring people downtown. The parking on the lawn is a concern that has been discussed, but the vendors say they can't park too far away because of their heavy boxes. Mayor Hunter said that this needs to be addressed in a balanced and fair way.

Councilmember Ekberg reiterated that the farmers market came about as a way to get more people downtown. He said that he too has concerns with them parking on the lawn and with the lack of a policy for private use of a city park. He said he too would like to see it moved to the south side of the park without vehicles. He suggested that we should set a date at the end of this season to take a serious look at the issues. He added that perhaps the merchants might now take a different approach to using Judson Street.

Councilmember Perrow said that beginning this year, he would prefer the tents be arranged so that you can see the netshed from the sidewalk. Councilmember Malich agreed, and asked if there was some agreement for why they can't be moved to the south side of the park.

City Administrator Richards explained that there is no agreement, and that he has met with the manager of the Farmers Market. He stressed that there would be no cars allowed in the park and was assured that this issue would be taken care of.

Councilmember Young recommended that this be referred to the Parks Commission. Other Councilmembers agreed and said that we need to follow up with the group this year as well.

Councilmember Payne gave an update on the Intergovernmental Affairs Committee meeting. He explained that the 2014 Public Works Trust Fund is being swept but it appears that the \$640,000 for the Point Fosdick Sidewalk project is safe for now. He further explained that our two RCO Grant applications are not so certain; the Playzone (\$180,000) and Eddon Boat Water Park Expansion (\$302,000) are ranked 1 and 2 in their categories, but right now the Senate is proposing zero funding for the RCO Grants and it is pending in the House. He said that it is possible that these projects will be okay because of their rank if there is a vote to fund something for all categories.

Councilmember Payne then reported that \$28,050.00 was raised for the playzone at the recent Rotary event that Councilmember Guernsey helped to organize. He said that this will go towards the \$30,000 gap, and the fundraiser by Harbor Ridge Middle School

will go even further to close the gap. He said we hope the state will follow through with funding the \$180,000.

Councilmember Young said that there has been a shift in direction and Pierce Transit is moving more toward express services to serve the peripheral areas, and they are also looking at a downtown trolley in the summer months to service the commercial areas. He said it would be touristy in nature so visitors would understand what it is noting that other places doing this have been successful. He stressed that it's not a done deal but the CEO is excited, and there is a proposal for a possible demonstration this summer.

Councilmember Young then announced that Pierce Transit passed a new pay rule that adopts the Gig Harbor performance-based raise model rather than utilizing step increases for non-represented folks. He said that an interesting result of the salary surveys is that they found out, contrary to public perception, that the non-represented folk's salaries are currently low because of the market freeze for the past several years.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Operations Committee: Thu. Apr 18th at 3:00 p.m.
2. Boards and Candidate Review: Mon. Apr. 22nd at 4:30 p.m.

EXECUTIVE SESSION: To discuss property acquisition per RCW 42.30.110(1)(b).


MOTION: Move to go into Executive Session at 7:05 p.m. for approximately 45 minutes to discuss property acquisition per RCW 42.30.110(1)(b).
Malich / Payne – unanimously approved.

MOTION: Move to return to regular session at 7:50 p.m.
Kadzik / Young – unanimously approved.


ADJOURN:

MOTION: Move to adjourn at 7:50 p.m.
Kadzik / Young – unanimously approved.

CD recorder utilized: Tracks 1002 – 1010



Charles L. Hunter, Mayor



Molly Towslee, City Clerk