

## MINUTES OF GIG HARBOR CITY COUNCIL MEETING – July 22, 2013

**PRESENT:** Councilmembers Ekberg, Young, Guernsey, Perrow, Malich, Kadzik, and Mayor Hunter. Councilmember Payne was absent.

**CALL TO ORDER:** 5:30 p.m.

**PLEDGE OF ALLEGIANCE:**

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

**MOTION:** Move to go into Executive Session at 5:31 p.m. for approximately twenty minutes to discuss property acquisition.  
**Malich / Kadzik** – unanimously approved.

**MOTION:** Move to go return to regular session at 5:43 p.m.  
**Malich / Perrow** – unanimously approved.

### **CONSENT AGENDA:**

1. Approval of City Council Minutes Jul 8, 2013.
2. Liquor License Action: a) Renewals: JW Restaurant, Devoted Kiss Café, Mizu Japanese Restaurant, Galaxy Uptown, and Safeway Store #2949;
3. Receive and File: a) Coastal Heritage Alliance Yearly Report; b) Tacoma Narrows Airport Advisory Commission Meeting Summary May 9, 2013; c) Lodging Tax Advisory Committee Minutes Jun 27, 2013.
4. Correspondence / Proclamations: a) National Night Out; b) Fitness Day Proclamation;
5. Appointment to Design Review Board.
6. Second Reading of Ordinance No. 1265 - Amendment to Peddlers License.
7. Second Reading of Ordinance No. 1266 - Model Homes.
8. Digital Orthophotography Partner Agreement – Interagency Agreement with Pierce County.
9. Agreement for Attorney Services for Water Rights Assistance – Tom Mortimer.
10. Eddon Boat Marine Railways Environmental Services Contract – Grette & Associates.
11. Eddon Boat Park Expansion – Property Appraisal Contract.
12. Eddon Boat Park Expansion – Phase I Environmental Assessment Contract.
13. Wollochet/Wagner Signal System – Consultant Services Contract / WH Pacific Amendment No. 1.
14. Rosedale Street Improvements – Consultant Services Contract / HW Lochner Amendment No. 1.
15. 38th Avenue Improvements Ph. 1 Grant Application Assistance – Consultant Services Contract - Skillings Connolly.
16. DNR Annexation Survey Contract – David Evans and Associates.
17. Wilkinson Farmhouse Restoration Project - Small Public Works Contract – Floodex Water Damage.
18. Approval of Payment of Bills Jul 22, 2013: Checks #72991 through #73091 in the

amount of \$660,920.85.

Councilmember Guernsey requested that the Digital Orthophotography Partner Agreement – Interagency Agreement with Pierce County be moved to New Business so that she could abstain from voting.

**MOTION:** Move to adopt the Consent Agenda as amended, moving Item eight to New Business.

**Ekberg / Perrow** – unanimously approved.

### **PRESENTATIONS:**

1. Bennish Brown, President and CEO - Tacoma Regional Convention and Visitors Bureau. Mr. Brown presented a mid-year update on efforts to work to promote regional tourism. He thanked the city for its support, and praised the relationship with the city's marketing department to bring prospect leads to our hotels. He told Councilmember Guernsey that the new Boaters Guide was scheduled to be printed soon.

Kathy Franklin, Manager Gig Harbor Maritime Inn / TRCVB Board. Ms. Franklin reported on the *Travel Tacoma and Pierce County* magazine developed by the TRCVB, which includes information on hotels and restaurants as well as many local, unique attractions. She passed out copies of the magazine then introduced Matt Allen.

Matt Allen – General Manager, Chambers Bay / TRCVB Board. Mr. Allen said his motivator for joining the board is to make sure that this area capitalizes on the upcoming U.S. Open in 2015. He presented information on the upcoming destination brand launch, the Go West Summit, and the U.S. Open.

2. Proclamation – National Night Out – COPS Volunteer Diane Bertram. Mayor Hunter presented the signed proclamation to Ms. Bertram. Chief Mike Davis described Ms. Bertram's involvement with the COPS Volunteer program and introduced her to talk about the National Night Out program.

Ms. Bertram explained that National Night Out is a nationwide opportunity to send the message that we won't tolerate crime in our neighborhoods. She said this year the theme is Police, Pirates, and Pepsi and invited everyone to this family-oriented event.

3. Fitness Day Proclamation – Joel Davidson, Be Strong Inc. Mr. Davidson explained his efforts to get fitness awareness out there. He announced the Fitness Fest to be held at Uptown on August 11<sup>th</sup>.

### **OLD BUSINESS:**

1. Second Reading of Ordinance – Downtown Building Size and Height Amendments. Mayor Hunter explained that there would be no public hearing, nor any public comment accepted. Planning Director Jennifer Kester explained she would go

through the four main amendments to allow discussion and amendments to the ordinance that would then be brought back at the first meeting in September for a third reading.

Item A - Additional Interior Gross Floor Area. For existing buildings, additional gross floor area could be added above the maximum allowed by the zoning district provided that the additional gross floor area to be added is interior to the building and does not enlarge or expand the existing building footprint. Roof modifications are allowed provided they do not exceed the maximum building height allowed in the underlying zone.

Ms. Kester said she hadn't heard many comments or concerns with this amendment. After discussion, Councilmembers agreed to maintain this amendment.

Item B – Remodeling and Rebuilding Nonconforming Buildings: Nonconforming buildings can be remodeled or torn down and rebuilt to the same or smaller configuration. Non-historic registry eligible buildings must meet the Design Manual requirements. All work on historic registry eligible or registered nonconforming buildings must meet specific Design Manual requirements for historic structures. Planning Commission recommends no additional parking be required.

Councilmember Young said that in the spirit of equal protection, he would like to see this removed from the ordinance or amended to say "100% for natural causes" rather than "redevelopment." He discussed several issues with the building code in the downtown, and suggested we go back and look at breaking out zones in the DB area.

Councilmember Guernsey disagreed that it is an equal protection issue, but said it allows us to redevelop the downtown while keeping the character; this helps revitalize the downtown. She agreed that we need to revisit the development code throughout.

Councilmember Kadzik agreed with the comments made by Councilmember Guernsey, adding that he too thinks we need to look at the building size in detail in the near future.

Councilmember Ekberg also agreed this is beneficial to the downtown, and said he hears what was said by Councilmember Young that review of the downtown zones needs to be moved up.

All agreed that the code is out of character with the downtown and needs to be reviewed.

Ms. Kester said she will keep this section in, then explained that the Planning Commission has said they would like to look at building size in this area as a way to implement the Harbor Vision policies.

Councilmember Malich said he is okay with this amendment but is concerned that if you go outside the existing building envelope you do change the character.

Item C – Two-Story Building Allowance: Increase the maximum building height in the City’s downtown area in order to allow flat-roof, two-story buildings in the City’s downtown. All buildings would be allowed to be 27 feet high as measured from the building footprint at the uphill and downhill facades.

Ms. Kester said that Council had questions regarding the stepped-down approach, the waterfront commercial area, as well as the area around North of Rosedale. She and Lita Dawn Stanton narrated a slideshow of “walk through the harbor” photos and addressed Council’s questions.

Councilmember Kadzik commented that the node north of Rosedale and the Waterfront Commercial zone should be eliminated from this amendment. He said that the feel of the area changes when you cross Rosedale, and due to the impacts on the residents this node needs to be removed from the DB zone. He continued to say that the area from the Green Turtle to the Tides will fall under a development agreement at some point in the future, and so they don’t need this allowance. The Tides from the Harbor Inn is already built out, and he wouldn’t like to see 27 feet high buildings on that side. The same goes on around the corner to the Skansie Park where there are more pitched roofs.

Councilmember Malich agreed with these comments, adding that the uphill side could handle the 27’ high increase, but not the water side.

Councilmember Young said he didn’t understand why you would allow a 27 foot peaked roof but not a flat roof; he said you need to justify decision. He said that in the commercial district, flat roofs are the norm.

Ms. Kester clarified that the amendment allows for either a flat roof or a peaked roof. She also said that if you take out the Waterfront Commercial, the ordinance would be silent on the issue; If you carve out the node north of Rosedale you will need clear whereas clauses.

Councilmember Ekberg agreed that the node north of Rosedale should be removed from the amendment to allow the Planning Commission to determine whether it needs to be rezoned. He also said he is not in favor of removing Waterfront Commercial from the amendment.

Councilmember Guernsey agreed with removal of the node north of Rosedale. She continued to explain that regardless of the height of a building, if you are looking at it from the sidewalk, it is going to block your view. She added that in her opinion a peaked roof is more appealing, but the real issue is whether a 27 foot building is going to block the view more than what is currently allowed. She said that she doesn’t think it would, and that is why this was proposed by the Planning Commission. She would like to remove that small piece of the DB zone, but would like to leave the Waterfront Commercial zone.

Councilmember Young suggested that if the node north of Rosedale is going to be removed, that we articulate why and then ask the Planning Commission to look at a new zoning designation rather than trying to “pigeon-hole” it into some other existing designation.

Councilmember Kadzik said that he would like to do the same thing with the Waterfront Commercial zone; remove it from this ordinance to allow the Planning Commission to resolve whether it should be broken up into different zones. He said that allowing 27 foot high buildings on both sides of the street just doesn’t seem to fit.

Councilmember Malich asked about setbacks if a 27 foot high building were to be constructed in the vacant parking lot adjacent to the Harbor Inn. Ms. Kester explained that any construction would have to account for a shoreline view corridor and the displaced parking, and so the setbacks would probably be greater than ten feet. She said that she isn’t sure how easily that lot could be developed independent of the neighboring lots.

Councilmember Perrow pointed out that it could already be developed to an 18 feet high structure or 16 feet for a flat roof structure under current development regulations. Either would block the view from the street.

Councilmember Young voiced concern that we are trying to preserve the view corridor at the expense of property owners.

Ms. Kester summarized what she heard: to remove that portion of the DB District north of Rosedale and write the supporting whereas language, and to leave the Waterfront Commercial District until the third reading of the ordinance.

Item D - Proposed Waterfront Residential Amendments: For residential buildings in waterfront zones, the 18-foot uphill height limit measurement point would move from the building setback line to the property line abutting the street right-of-way. In addition the front yard setback would reduce to 6 feet for the porch, 12 feet for the house and 18 feet for the garage.

Councilmember Kadzik commented that he agrees with the goal to eliminate the “house in a hole” concern, but there must be a better way to do that without increasing the height. He explained that in the R-1 Historic District, there is a “basic structure unit allowance” to allow homes to be built with historic proportions. He suggested that the DRB, Planning Commission, and Planning Staff could come up with that same concept for the other side of the street. We could offer incentives to build a more traditional look in the downtown area; perhaps require setbacks closer to the street, a traditional front porch no lower than grade, and that they fill the front yard up to the house rather than building down in a hole. This may help to accomplish the goal.

Councilmember Ekberg said that initially he had a problem with the part of changing the setbacks to be in keeping with the historic look, because he didn’t realize that the

houses are closer to the right of way than he originally thought. He continued to explain that he thought the main impetus of this proposal is to allow more flexibility for what will be lost due to the shoreline changes. He said the height change isn't going to get anything out of the hole because filling in will just make a higher house, and so he isn't in favor of changing the elevations. If there is another way than these two changes, he said he would be open to it.

Councilmember Young agreed, and asked if a sketch of what could be built with the suggestions made by Councilmember Kadzik could be available before the next reading of the ordinance before we make the decision to eliminate this section.

Ms. Kester agreed to Photo Shop something before the next meeting that would show the result of using form-based incentives.

Councilmember Perrow agreed that this proposal doesn't meet the objective of getting the house out of the hole, but the other issue is that it does let people keep a little property that they may lose due to the SMP, which is fine by him.

Councilmember Malich said that he doesn't like any part of it, and would like the whole thing removed. Raising the height would create a view problem for anyone uphill, or even walking by, he added. He said that the properties range from 300 feet deep to 35 feet setback from the high water mark; that allows a lot of room to build a house. In those cases where there are short properties or they can't build a reasonable size house we should go on a case by case basis rather than create a general rule.

Councilmember Guernsey asked for clarification on where we measure the building height in other zones. Ms. Kester responded: DB zone is measured at property line if the building is within 50 feet; C-1 is measured at the property line; and most other zones are measured at the setback line. This proposal is to measure closer to the right of way line. She asked for Council direction on whether to keep retain this amendment.

Councilmember Kadzik said that he doesn't think this should apply in the Waterfront Residential if the goal is to create a traditional street scape, because this area is already built out. He said he would support the form based alternative.

Councilmember Ekberg stressed that the Planning Commission spent a great deal of time on this and before we throw it out, we should consider those ideas offered by Councilmember Kadzik. He asked if there could be something drafted by the next meeting so that they could decide whether to leave this in or not.

Ms. Kester said that staff would come up with a form-design based incentive approach to consider. For now, she will leave this in and changes can be made at the next meeting.

Councilmember Young referenced the comment that the Waterfront Residential is built out, and asked Councilmember Kadzik for clarification on why this shouldn't apply to

Waterfront Residential. Councilmember Kadzik responded that the motivating factor for the Planning Commission was to encourage the more historical construction and to maintain a more residential feel on the waterside rather than having to manipulate the design to get a livable house. He said he agrees with the suggestion by David Boe to measure from the sidewalk.

Councilmember Young said that he thinks the motivation is because there are shallower lots on the water-side, the SMP issue, and the “house in the hole” concern. He said he would take another look at the existing buildings along that side.

Councilmember Guernsey asked if staff would bring back maps that show the property lines and where these proposals would apply.

Councilmember Malich asked about North Harborview Drive toward Vernhardson and how those properties would be impacted by this change.

Ms. Kester responded that the setback allowance would be the most helpful along North Harborview Drive because the properties are smaller and the grade is the steepest. She added that most of the homes there were built at street level. She added that she will provide more information before the next meeting.

The Mayor called a brief recess at 7:40 p.m. The meeting resumed at 7:46 p.m.

## 2. Interlocal Agreement – Pierce Transit / Gig Harbor Trolley Demonstration Project.

City Administrator Denny Richards reported that the trolley program is in place and doing well. He presented the Interlocal agreement, explaining that even though we are still looking for more contributions, we are approximately \$8,000 short of reaching the full \$41,610 fare box recovery goal. He presented a breakdown of what had been collected to date.

Councilmember Guernsey voiced concern that the city would become the guarantor for the full amount, and recommended approaching the existing contributors and asking for additional support as well as seeking out new contributions. Councilmember Ekberg agreed.

Councilmember Perrow said that any fare collection should go towards the amount owed. He stressed that if we sign the Interlocal, we will be liable for the remainder.

Councilmember Young explained that the Interlocal must be adopted tonight, and that the Pierce Transit Board has agreed to bill for the remainder later. He added that he didn't think we would be able to collect any more from the existing contributors. Acknowledging that the city would be guaranteeing the full amount, he said it was smart to wait until we had the checks in hand, and promised to follow-up with the CEO.

Councilmember Perrow said he was uncomfortable with language in the exhibit that says Pierce Transit retains all fare box revenue and Councilmember Ekberg added that

the exhibit should be amended to read that the \$41,161 is the maximum rather than minimum amount that would be contributed.

**MOTION:** Move to adopt the Interlocal Agreement with Pierce Transit for the Trolley Demonstration Project, changing the word “minimum” to “maximum or not to exceed” with the understanding that we will continue to work with them to include fare box recovery and to see if the other partners are willing to contribute more.

**Guernsey / Malich** – unanimously approved.

**NEW BUSINESS:**

1. First Reading and Adoption of Ordinance – Cushman Trail Cottages Annexation. Senior Planner Lindsey Sehmel presented this ordinance that finalizes the annexation by accepting the annexed area into the City. She addressed Council questions regarding the cost of the annexation.

**MOTION:** Move to adopt Ordinance No. 1267 formally approving the Cushman Trail Cottages Annexation.

**Malich / Perrow** – unanimously approved.

2. Ancich Netshed Pier Repair Project – Small Public Works Contract Award. Public Works Director Jeff Langhelm presented the information on this contract to repair the deteriorating wood pile caps, floor joists, and decking materials. He explained that this repair work still does not allow public access to the pier.

**MOTION:** Move to authorize the Mayor to execute a Small Public Works Contract with Samish Bay Construction, Inc., in an amount not to exceed \$13,201.20 for the award of the Ancich Net Shed Pier Repair Project and authorize the Public Works Director to approve additional expenditures up to \$2,000 to cover any cost increases that may result from contract change orders.

**Malich / Guernsey** – unanimously approved.

3. Resolution No. 933 - Setting a Public Hearing Date for North Harborview Drive Right of Way Vacation.

Councilmember Perrow recused himself and left the chambers at 8:05 p.m. Public Works Director Langhelm presented the resolution setting a public hearing date of September 9<sup>th</sup> to consider vacating a portion of North Harborview Drive right of way to clear up a property line issue and to obtain additional property along 8715 No. Harborview Drive.

**MOTION:** Move to adopt Resolution No. 933 setting a public hearing for the vacation of a portion of North Harborview Drive right of way.

**Kadzic / Malich** – unanimously approved.



Councilmember Perrow returned to the council chambers.

4. Resolution No. 934 - Utility Extension Capacity Agreement – 6207 Soundview Drive. Public Works Director Jeff Langhelm presented the background for a request for sewer extension to a parcel off Soundview Drive. He addressed questions on the denial of an annexation request to a nearby property by explaining that only properties adjacent to Soundview Drive are identified to connect to the existing sewer line. Properties lying east of that are designated to connect to an undersigned lift station to be construction along Reid Drive.

**MOTION:** Move to adopt Resolution No. 934.  
**Ekberg / Kadzik** – unanimously approved.

5. Property Acquisition.

**MOTION:** Move to authorize the Mayor to sign a purchase agreement with Remax Agent Julia Runion, who represents the owner Executive House Inc. aka First Savings Bank Northwest, to purchase the property addressed as 3807 and 3809 Harborview Drive, Gig Harbor, Washington 98332 for the price of \$525,000.  
**Kadzik / Ekberg** – unanimously approved.

6. Digital Orthophotography Partner Agreement – Interagency Agreement with Pierce County.

**MOTION:** Move to approve the Interagency Agreement with Pierce County for digital orthophotography services.  
**Ekberg / Perrow** – five voted in favor. Councilmember Guernsey abstained.

**STAFF REPORT:** None.

**PUBLIC COMMENT:** None.

**MAYOR’S REPORT / COUNCIL COMMENTS:** None.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. No City Council Meetings in August.
2. Labor Day – Mon. Sep 2<sup>nd</sup> – Civic Center closed.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:14 p.m.  
**Perrow/ Young** – unanimously approved.

CD recorder utilized: Tracks 1002 – 1028

Charles L. Hunter  
Charles L. Hunter, Mayor

Molly Towslee  
Molly Towslee, City Clerk