

## MINUTES OF GIG HARBOR CITY COUNCIL MEETING – February 25, 2013

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

**CALL TO ORDER:** 5:32 p.m.

**PLEDGE OF ALLEGIANCE:**

### **CONSENT AGENDA:**

1. Approval of City Council Minutes Feb. 11, 2013.
2. Liquor License Action: a) Renewals: Costco, Water to Wine, Fraternal Order of Eagles GH 2809, Gig Harbor Chevron, Gig Harbor 76, Il Lucano, Tokyo Teriyaki, Gateway to India, Gig Harbor Liquor & Wine, and Tides Tavern; b) New application: Fullers Greenhouse.
3. Second Reading of Ordinance No. 1257 – Adopting State Statutes Relating to Marijuana.
4. Lift Station 3A Wet Well Electrical Work – Contract Award.
5. Tacoma Regional Convention and Visitor Bureau Contract.
6. Safeway Development – Traffic Impact Fee Credit Reimbursement Agreement.
7. Maritime Pier – Monitoring Well Samplings Project – Consultant Services Contract Amendment #1.
8. Approval of Payment of Bills Feb. 25, 2013: Checks #71931 through #71936 in the amount of \$6,407.46 for Budget Year 2012.
9. Approval of Payment of Bills Feb. 25, 2013: Checks #71830 through #71930 in the amount of \$279,834.12 for Budget Year 2013.
10. Approval of Payroll for month of February: Checks #71821 through #71829 and ACH Payments in the amount of \$261,375.03.

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

**OLD BUSINESS:** None.

### **NEW BUSINESS:**

1. Gig Harbor Historic Waterfront Association Contract. Mayor Chuck Hunter presented this contract for city support of \$35,000 for 2013. He said there seems to be some confusion on who appoints Board representatives from the city and their voting capacity. He explained that he has requested that language be added to the contract that would limit the participation on the board by city council to one to avoid any appearance of a conflict of interest for funding requests.

Councilmember Kadzik said that the city attorney has informed him and Councilmember Guernsey that as GHHWA Board members, they would have to recuse themselves from voting on the agreement but they were free to enter into the discussion. He continued to address the addition of the language in paragraph 3-T. He voiced concern that the

city is taking an adversarial approach by trying to restrict council's extra- curricular activities and is singling out one organization. He talked about all the good done by the GHHWA and encouraged others to become involved in organizations.

Mayor Hunter talked about the difficulty in obtaining the year-end balance sheet from GHHWA and the need to be watchful of public dollars.

Through further clarification, Councilmember Payne was able to discern that the GHHWA has not agreed to the addition of the new language.

Councilmember Ekberg asked whether city representation on the board had been guaranteed in past contracts. Councilmember Guernsey responded that this is the first time anything had appeared in a contract, but the association bylaws provide for the City Administrator or a designee to serve on the board.

Mayor Hunter commented that council representation on other boards are as ex-officio; not voting members, and that this is the one organization that has requested on-going monetary support from the city.

Councilmember Malich said he doesn't understand how the number of councilmembers volunteering on a board could be restricted. City Attorney Angela Belbeck explained that it's a policy issue rather than a legal issue unless there were quorum concerns.

Councilmember Young spoke against prohibiting members from serving, but asked that consideration be given to the fact that the GHHWA is different because there isn't a clear deliverable for the city's contribution and there could be a perception of influence if too many councilmembers serve on the board.

**MOTION:** Move to approve the agreement, striking Section 3-T from the document.

**Payne / Perrow –**

Councilmember Ekberg said there are two issues: how many councilmembers should serve, and the effectiveness and value of the agreement, which is a budget time discussion. He agreed that there should be a representative from the city whether it be the City Administrator or designee, and said that the city shouldn't limit the number of members who want to join another body. He then added that too many councilmembers could possibly render them ineffective. He said he would like city representation on the board and made the following amendment to the motion.

**AMENDMENT:** Move to amend the motion so that rather than striking 3-T, amend it to read: "T. GHHWA Board membership shall include one representative designated by the City Administrator as an active member of the GHHWA Board."

**Ekberg / Payne –** unanimously approved.

**MAIN MOTION :** Move to approve the agreement with 3-T amended to read: “T. GHHWA Board membership shall include one representative designated by the City Administrator as an active member of the GHHWA Board.”

**Ekberg / Payne** – five voted yes. Councilmembers Guernsey and Kadzik abstained from the vote.

2. Public Hearing on Ordinance Implementing FEMA Option #3 – Permit-by-Permit Demonstration of Compliance under the Endangered Species Act. Senior Planner Peter Katich presented the background for this ordinance to implement regulations that apply to non-exempt development within FEMA established Special Flood Hazard Areas. Mr. Katich addressed questions about the three options explaining that option one is quite onerous, option two would utilize the updated Shoreline Master Program, and option three is based upon a permit by permit basis. He explained that because final approval of the SMP is still several months out, staff is recommending option three. He said that staff has been using option three on an interim basis since September 2011 and it has been effective.

Councilmember Perrow voiced concern that adopting option three with the requirement to provide a critical areas study in addition to the habitat assessment would be too burdensome for property owners. He asked why we wouldn't continue with the interim ordinance until the Shoreline Master Program is finalized.

Mr. Katich said that submitting the SMP plan to FEMA for review could open it to further amendments, jeopardize the plan's flexibility, and further delay the adoption process.

Councilmember Guernsey asked Mr. Katich whether the adoption of option three would help avoid FEMA from focusing on the updated SMP so that the process can continue to move forward, and whether this option would add a step to the existing process or implement a whole new process.

Mr. Katich responded that his concern is that FEMA review of the SMP may require us to have further regulations. He then answered the process question, saying that the FEMA flood hazard review would occur in conjunction with the already required critical area review.

Senior Planner Jennifer Kester suggested that if new information comes from FEMA we may choose to submit our finalized SMP for comment and then make a decision to amend the permanent regulations. She said she favors having the process formally codified now to eliminate the uncertainty in shoreline development.

Mr. Katich responded to Councilmember Malich's question regarding FEMA's designation of Gig Harbor's flood hazard area. Councilmember Young further clarified that these regulations are in response to a lawsuit filed against them that several jurisdictions that have been caught up in.

Mayor Hunter opened the public hearing at 6:17 p.m. No one came forward to speak and the hearing closed. This will return at the next meeting under Old Business.

Councilmember Young spoke in favor of adopting these regulations permanently, because continuing with an interim ordinance could have a chilling effect on development.

Councilmember Payne agreed, and then asked whether environmental consultants are in favor of this option and whether they would be willing to come and speak to that.

Ms. Kester said she is not sure they are in favor of this option, but they have integrated it into their process which has been working quite well. Mr. Katich added that the National Wildlife Organization that sued FEMA has sued again claiming that this approach is inadequate to protect the resource; so this may be back again.

3. Ancich Waterfront Park Visioning Process. Senior Planner Jennifer Kester presented the Mayor's proposal to gain public input and consensus for use of the Ancich Netshed Property. The proposal utilizes the Parks Commission to facilitate a visioning process that would include the public, key stakeholders, representation from the City Council, and both Operations and Planning staff. After the public process is completed, she said that a recommendation will come to the City Council to finalize. She asked for council direction.

Councilmembers shared their positions on moving forward now verses postponing the process, the impact on staff resources, delays in current land use issues, and Council participation in the visioning process.

Councilmembers Guernsey, Ekberg, Perrow, Payne, and Kadzik spoke in favor of the proposed process and getting a plan for the property in place sooner than later.

Councilmember Young suggested postponing the effort as there are more urgent needs, and a lack of funds to develop the park. Councilmember Malich said he wanted to postpone this in order to allow more public input saying he would be voting against the motion.

**MOTION:** Move to request the Parks Commission to initiate a visioning process for Ancich Waterfront Park utilizing the steps identified in the Council Bill.

**Kadzik / Payne** – six voted in favor. Malich voted against.

### **STAFF REPORT:**

City Administrator Denny Richards announced the hiring of new Senior Planner Lindsey Sehmel, who previously worked as a Planner at Bremerton and Puyallup. He then announced that this is the last meeting that Tom Dolan would be attending, and that it has been a delight to get to know Tom. He wished him well on his pending retirement.

Tom Dolan complimented the Mayor and Councilmembers by saying that they are the legislative body that his past employer wanted but never had. He added that they have set the direction and passed the laws that make Gig Harbor such a great place; adding that the zoning laws are tough, but have resulted in something you don't see anywhere else. Mr. Dolan emphasized how much he appreciated working here, and said that knowing the Planning Department is in such good hands makes it easier.

The Mayor and City Councilmembers thanked Tom for a job well done, and wished him well.

Councilmember Kadzik handed out a picture of a scaled-back storage unit proposed by the Kayak Club for the Wounded Warrior program. They are proposing that this unit could be placed behind the restrooms at Jerisich Dock, and will be coming to ask permission in the near future. Councilmember Kadzik asked for favorable consideration of the proposal.

Councilmember Perrow thanked staff for choosing the dark green paint for the water tanks in Grandview Forest Park. He suggested that all future water tanks be painted the same color.

Councilmember Malich asked that the broken Council chairs either be repaired or replaced.

Councilmember Young gave an update on a Pierce Transit's Substitute Bill. He also said he testified on Senator Schleicher's bridge bill, saying we may have unlikely allies. The bill limits the reserve account and DOT is against that. He then invited Councilmembers to the upcoming Puget Sound Regional Council General Assembly and 2040 Visioning Awards Meeting on April 24<sup>th</sup> ; he offered to carpool.

**PUBLIC COMMENT:** None.

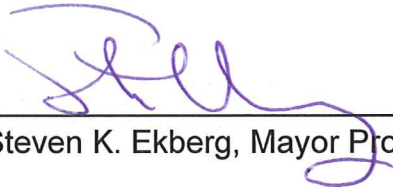
**MAYOR'S REPORT / COUNCIL COMMENTS:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Boards & Candidate Review: Mon. Feb 25<sup>th</sup> at 4:30 p.m.
2. Downtown Planning / Visioning: Wed. Feb 27<sup>th</sup> at 4:00 p.m.
3. Planning / Building Committee: Mon. Mar 4<sup>th</sup> at 5:30 p.m.
4. Parks Commission: Wed. Mar 6<sup>th</sup> at 5:30 p.m.
5. Ribbon Cutting for 56<sup>th</sup> / Pt. Fosdick: Thu. Mar 7<sup>th</sup> at 10:30 a.m.
6. Operations Committee: Thur. Mar 21<sup>st</sup> at 3:00 p.m.

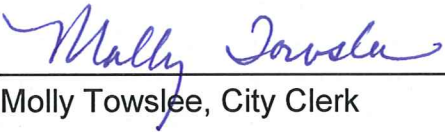
**ADJOURN:**

**MOTION:** Move to adjourn at 6:52 p.m.  
**Payne / Young** – unanimously approved.



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Steven K. Ekberg, Mayor Pro Tem



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Molly Towslee, City Clerk