

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

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

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

**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

1. Approval of City Council Minutes Nov. 12, 2013.
2. Liquor License Action: a) Application: Taste of Peru; b) Renewals: Hy-lu-Hee-Hee, Netshed No. 9, Kelly's Café, and Half Time Sports.
3. Receive and File: a) Minutes from Budget Worksession No. 1; b) Boys and Girls Club 2013 Year End Report; c) Parks Commission Minutes October 2, 2013; d) Gig Harbor Downtown Waterfront Alliance Progress Report.
4. Filling Council Vacancy Policy.
5. Stormwater Capacity Grant Agreement - WA State Dept. of Ecology.
6. Resolution No. 944 - Harbor Hill Final Plat and PRD - Phase N-1.
7. Resolution No. 945 - Harbor Hill Final Plat and PRD – Phase S-9.
8. Resolution No. 946 – Surplus Equipment – I.T.
9. Amendment to Legal Services Contract – Ogden Murphy Wallace PLLC.
10. Approval of Payment of Bills Nov 25, 2013: Checks #73991 through #74104 in the amount of \$421,097.27.

Councilmember Malich asked for clarification on when we could begin to advertise for the council vacancy. Clerk Molly Towslee responded that we would begin as soon as possible and didn't have to wait until after the first of the year.

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

**SWEARING IN CEREMONY:** Mayor Hunter performed the ceremony to swear in Judge Michael Dunn for another term.

**OLD BUSINESS:**

1. Final Public Hearing / Reading of Ordinance 1276 – 2014 Proposed Budget. Finance Director David Rodenbach described the two changes to the proposed budget since the first public hearing; Harbor Hill Park Objective changed to re-examine the vision, and to add support for the Pierce Transit Trolley project.

Mayor Hunter opened the public hearing at 5:38 p.m. No one came forward and the hearing closed.

**MOTION:** Move to adopt Ordinance No. 1276 – 2014 Proposed Budget.  
**Ekberg / Guernsey** – unanimously approved.

2. Second Reading of Ordinance No. 1277 – 2013 Comprehensive Plan Amendment - Capital Facilities Element. Senior Planner Lindsey Sehmel introduced the second reading of this ordinance that she said reflects the same information as adopted in the 2014 Budget.

**MOTION:** Move to adopt Ordinance No. 1277 as presented.  
**Kadzik / Ekberg** – unanimously approved.

3. Second Reading of Ordinance No. 1278 - Shoreline Master Program Update, Comprehensive Plan & Gig Harbor Municipal Code Titles 17 & 19.

Councilmember Jill Guernsey called Judy Fisher to come forward to be presented with a copy of the Draft Shoreline Master Program Update, dedicated to her late husband and Planning Commissioner, Michael Fisher. Councilmember Guernsey said that she worked with Michael while serving on the Planning Commission, and that he worked tirelessly to ensure that the city's updated Shoreline Master Program protected the rights of downtown business and property owners. Although Michael is no longer with us, his contribution to the city and his community is memorialized with the following dedication set forth in the new Shoreline Master Program:

#### **In Dedication to Michael Fisher**

*As a member of the Planning Commission, Michael endeavored to make this document focused on Gig Harbor in a way that protects the citizens and businesses of the city. Michael will be missed by his colleagues on the Planning Commission, the Planning Staff, and the community.*

Mrs. Fisher was presented with a copy of the SMP Update. She talked about how much Michael loved Gig Harbor and voiced appreciation for the dedication.

**MOTION:** Move to adopt Ordinance No. 1278 - Shoreline Master Program Update, Comprehensive Plan & Gig Harbor Municipal Code Titles 17 & 19.  
**Guernsey / Ekberg** –

Senior Planner Peter Katich presented information on the revision directed by council in response to comments made by Guy Hoppen regarding striking the reference to “small in size” when referring to the fishing fleet. He then addressed council questions.

Councilmember Malich said he is concerned with the changes to the parking in Millville and asked if someone would second his motion to amend the ordinance.

**MOTION:** Move to amend the motion to strike the parking change requirement.  
**Malich /**

Councilmember Kadzik asked him to explain his concerns further. Councilmember Malich said that the proposed ordinance would provide for only the highest use parking requirements in the Waterfront Millville.

Mr. Katich further explained that currently when there are multiple uses on a site, we calculate the maximum parking required for each use and then add them together to create the overall parking requirement in the Waterfront Millville District, whereas in the Waterfront Commercial District, we take the parking required for the marina to establish the off-street parking requirement for combined uses. This proposed change to 17.48 is in response to the Shoreline Master Program guidelines which discourages the use of shoreline areas for large off-street parking that would tie up valuable shoreline area. The Planning Commission felt it made sense to have the parking requirements the same for both zones. He further explained that the other building regulations in place would come into play in determining the ability to develop along the waterfront.

After further discussion between Council and Staff, Councilmember Malich said that it seems we are trying to turn Waterfront Millville into Waterfront Commercial with these changes and asked if someone was willing to second his motion. There was no response and so the motion failed.

Councilmember Perrow said he appreciates the considerable effort and time put in by the Planning Commission to put this Shoreline Master Program Update together, but because this was forced on us by the state and nothing we want, he will be voting against it.

Councilmember Ekberg said he would be voting in favor of the motion because the Planning Staff and Planning Commission did a great job of taking the state mandate and crafting it unique to Gig Harbor.

Councilmember Payne said that the document is far more palatable as a result of the Planning Commission and to a large part, because of Michael Fisher and the push-back he provided.

Mayor Hunter agreed that we had a wonderful crew that did a good job. Councilmember Young added that he was surprised at how much the document changed from what the state required as a direct result of citizen concerns and comments. He complimented efforts by Carole Holmaas and the other citizens.

Councilmember Malich said that 95% of the update is fantastic, and he appreciates the hard work that Peter and the Planning Commission did, but he is still going to vote against it because of the one provision he mentioned.

**RESTATED MOTION:** Move to adopt Ordinance No. 1278 - Shoreline Master Program Update, Comprehensive Plan & Gig Harbor Municipal Code Titles 17 & 19.  
**Guernsey / Ekberg** – four voted yes. Councilmembers Malich and Perrow voted no.

**NEW BUSINESS:**

1. First Reading and Adoption of Ordinance No. 1279 – Harbor Hill N-1 Rezone to PRD. Planning Director Jennifer Kester presented the background for this ordinance to officially amend the city’s zoning map to reflect the approval of the final PRD to ensure future development on the site is regulated under the PRD regulations.

**MOTION:** Move to approve Ordinance No. 1279 as presented.  
**Payne / Perrow** – unanimously approved.

2. First Reading and Adoption of Ordinance No. 1280 – Harbor Hill S-9 Rezone to PRD. Ms. Kester explained that this is the same type of ordinance to amend the zoning map for the S-9 portion of the Harbor Hill Plat.

**MOTION:** Move to approve Ordinance No. 1280 as presented.  
**Guernsey / Perrow** – unanimously approved.

3. Public Hearing and First Reading of Ordinance – Amending the 2013 Budget. Finance Director David Rodenbach explained that the water operating fund needs amended because the funds for the Grandview Water Tank project were not carried over from 2012. In addition, major repair work was required for three wells that failed this year due to sand in the pumps. He said the amendment is to increase the fund by \$595,308 to cover these expenses.

Mayor Hunter opened the public hearing at 6:09 p.m. No one came forward to speak and the hearing closed. This will return for second reading on the Consent Agenda for December 9<sup>th</sup>.

4. Facility Use Agreement – Gig Harbor Canoe and Kayak Race Team. Public Works Director Jeff Langhelm explained that this agreement is a follow-up from the Special Council meeting of September 30<sup>th</sup> that authorized the special land use application for the team to utilize Skansie Brothers Park and Jerisich Dock Park for their portable kayak racks. He said that staff worked with the Parks Commission, the Operations Committee, and the Gig Harbor Canoe and Kayak Club to develop these terms and conditions. He continued to say that several club activities have been included in the agreement to offset monetary compensation for this use, but there is a question of whether these activities fulfill the public benefit requirement sufficiently.

Another new addition to the agreement, he said, is a requirement for prior approval for the use from the Washington State Recreation and Conservation Office. Mr. Langhelm explained that the Kayak Club is willing to wait to relocate until after the Holiday Tree

Lighting Festival on December 7<sup>th</sup>, and so if there are amendments to the agreement, it can come back at the December 9<sup>th</sup> Council Meeting.

Councilmember Guernsey said she is glad we have a little time for this to be brought back on the 9<sup>th</sup>. She said that in regards to the area of impact, it's most important to limit it to the 1,000 square feet regardless of the number of racks or the number of boats. She made a recommendation to limit this to not more than four portable racks. She then suggested a monthly charge of \$300.00 for the use of city property, which is what they currently pay.

Councilmember Young objected to charging them rent, citing the recreational programming for youth and the para-kayaking group, which he categorized as a unique public service and public benefit. He asked if the actual location of the racks had been determined.

Councilmember Guernsey said that the racks would be located on the deck behind the restrooms in the winter months, and then moved to somewhere else on the property that the city selects during the higher boat traffic months. Mr. Langhelm added that the specific locations have been removed from the agreement to allow it the city to decide the location for the racks which can be changed at any time.

Councilmember Ekberg agreed that some monetary compensation is appropriate. He then recommended that any use of moorage on the dock mentioned in paragraph 12 only be allowed during the low-boating months of October to April. Councilmember Guernsey agreed and suggested that per this agreement, the two safety boats would be allowed to moor at Jerisich Dock, preferably rafted together to minimize impact.

Councilmember Kadzik said that the public benefit activities listed under Section 8- A and B are tremendous and you cannot put a dollar amount on either, and especially the program being a source of pride for the community. This is a marketing tool and is justification to forgo charging rent, unless legal counsel says it's necessary.

City Attorney Angela Summerfield responded that there is some discretion; the city has to weigh the community benefit as compared with the value of the space being used.

Councilmember Perrow asked about the limit on boats and how the size of the racks is defined. Mr. Langhelm explained that the number came from the club and is based on the number of participants and variety of events. The limit on the racks is 5'-9" without having to obtain a permit.

Councilmember Malich asked about a time limit on the contract. Mr. Langhelm pointed out that its located in item 13 of the agreement.

Mayor Hunter said that the cost of maintenance should be considered. Mr. Langhelm said that Section 7 requires that the club maintain the area of impact when determined

necessary by the city. Ms. Kester responded to questions on what type of maintenance or improvements would require permitting.

Councilmember Guernsey clarified the steps to amend the agreement to be brought back on December 9<sup>th</sup>:

- Page one, change the 5<sup>th</sup> “Whereas” clause to take out the number.
- Page two, item 5B, change to no more than four racks.
- Page three, item 12, use second option.
- During time that chase boats are at the dock, the club pays \$300 a month rent.

Councilmembers Ekberg and Perrow concurred with these amendments. Councilmember Young disagreed with charging rent. Councilmember Kadzik suggested bringing back the agreement with the recommended amendments and then discussing rent at that time. Councilmember Guernsey stressed how important it is to get the agreement approved, adding that she agrees wholeheartedly about the public benefit and the service this organization provides to the community.

### **STAFF REPORT:**

City Administrator Denny Richards thanked Councilmember Young for his 16 years of service and recognized him for his contribution to the city through participation in the outlying communities. Mr. Richards then recognized Senior Planner Peter Katich for his work in the Shoreline Master Program. He finalized by thanking Council for their teamwork with staff on the 2014 Budget.

Planning Director Jennifer Kester reported on the request to bring back the residential setbacks and heights for the Waterfront Millville zone. She said that the best option would be to bring this back for first reading and public hearing on January 13<sup>th</sup> and unless she hears differently, they will begin the process for public noticing.

### **PUBLIC COMMENT:**

Bonnie Moore – 2713 43<sup>rd</sup> Street NW. Ms. Moore said how much the neighborhood appreciates that the sidewalks along Point Fosdick have been included in the 2014 Budget. She thanked Councilmembers Ekberg and Payne for attending their Homeowners meeting and listening to their concerns.

Louella Colby-Hudson – Housing Specialist for Associated Ministries. On behalf of Tacoma Pierce County Coalition for the Homeless, Ms. Colby –Hudson explained that this is the 30<sup>th</sup> anniversary of Homeless Awareness Week. She reported on the improvements that Pierce County has made over the years in services to address the growing need of the homeless population. She stressed that our support is needed to end homelessness in our community by supporting these agencies and programs and considering this population when making decisions.

Sam Goodwill – 2805 41<sup>st</sup> St NW. Mr. Goodwill also thanked the city for an opportunity to speak on the sidewalks along Point Fosdick, and extended a special thanks to Councilmembers Ekberg and Payne for hearing their concerns but also for explaining the challenges the city has faced over the past few years in garnering support for this project. He said that no established neighborhood in Gig Harbor has felt the negative impacts of development like the West-end. He talked about the hazards due to the increased traffic and congestion, and urged continued and future support for budget approval for sidewalks and streetlights along Point Fosdick to improve public safety and promote pedestrian traffic.

John Chadwell – Olympic Property Group, 11505 Burnham Drive NW, Suite 103. Mr. Chadwell said that on behalf of OPG, he would like to thank Councilmember Young for his 16 years of service. He said that Derek has been a friend and fair voice for the city, and the community and Harbor Hill are better off for his service.

### **MAYOR’S REPORT / COUNCIL COMMENTS:**

Recognition of Councilmember Derek Young’s 16 years of service. Mayor Hunter presented Councilmember Young with a plaque commemorating his service to the city. Mayor Hunter said that it has been a pleasure serving with Councilmember Young, and although they started out “bumping heads,” Derek has some great ideas and is very interested in the community.

Councilmember Ekberg said that he is going to miss Derek; over the last sixteen years he has grown to rely upon his counsel. Councilmember Young has grown dramatically in his position not only in the city but with Pierce Transit and other outlying organizations. He said that Derek has been a strong and good voice for Gig Harbor and hopefully will continue to stay involved.

Councilmember Kadzik said he first met Derek in 1997 when he was ran for Council, and being about the same age as his daughters, he didn’t give Derek much credit. Over the years Derek has proven to be a great asset to the city and his institutional memory will be missed. His interfacing with other agencies has been valuable, and Councilmember Kadzik said he is proud to be a part of Derek’s sixteen years of service.

Councilmember Payne said that when he began observing Council meetings, he used to refer to Councilmember Young “as the smart one” for telling the others what was going on. On trips back to Washington D.C. to lobby for the city, he’s had an opportunity to get to know Derek, and said he greatly appreciates his sacrifice for the city, his counsel, and for sharing a hotel room with him during the lean years. He wished Derek all the best as he goes forward with his new career and his new business.

Councilmember Malich said he has always enjoyed the discussions between Councilmembers Young and Franich and said that he learned a lot about being a Councilmember from Derek. He thanked Derek for his service to the community.

Councilmember Perrow thanked Derek for going to all the other meetings and digging into the details.

Councilmember Guernsey said thank you to Councilmember Young as well, and said it has been interesting to listen to Derek, because you never know what he thinks or where his comments are going until the end. She thanked him for his service.

Councilmember Young said that he has enjoyed his time on the Council; it's been a tremendous honor. He said he was shocked when Gig Harbor took a chance on him and knew he had better be good at it order to meet their expectations. He said he has enjoyed working with all the Councilmembers. Although other government agencies have gotten so nasty lately, he said that this council can disagree, but the debate brings out the best results and the people can depend on this. He said he appreciates the opportunity to serve.

#### **ANNOUNCEMENT OF OTHER MEETINGS:**

1. Civic Center Closed for Thanksgiving: Thu. Nov 28<sup>th</sup> and Fri. Nov 29<sup>th</sup>.
2. AWC Elected Official Training – Sat., Dec 7<sup>th</sup> at 8:30 a.m.
3. Holiday Tree Lighting – Sat. Dec 7<sup>th</sup> at 5:00 p.m.

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

**MOTION:** Move to go into Executive Session at 6:55 p.m. for approximately thirty minutes to discuss property acquisition.  
**Payne / Perrow** – unanimously approved.

City Administrator Denny Richards came back to the Chambers at 7:32 p.m. to announce that they would require another 15 minutes. He came back again at 7:45 p.m. and requested another fifteen minute extension.


**MOTION:** Move to go return to regular session at 8:00 p.m.  
**Payne / Kadzik** – unanimously approved.

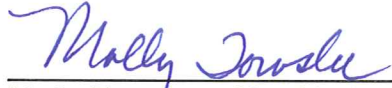
#### **ADJOURN:**

**MOTION:** Move to adjourn at 8:00 p.m.  
**Payne / Kadzik** – unanimously approved.



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Charles L. Hunter, Mayor

  
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Molly Towslee, City Clerk