

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – April 25, 2011

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Malich, Payne, Kadzik and Mayor Hunter.

CALL TO ORDER: 5:31 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of April 11, 2011.
2. Receive and File: a) PCRC Annual General Meeting Announcement; b) Minutes of April 4, 2011 Planning/Building Committee; c) Minutes of April 4, 2011 Finance / Safety Committee; d) 2011 First Quarter Financial Report; e) Gig Harbor Boat Shop 2010 Annual Report.
3. Liquor License Action: a) Renewals: Walgreens; Anthony's at Gig Harbor; Kelly's Café; Tanglewood Grill; Bistro Satsuma; and Blazing Onion Restaurant; b) Application: Farmers Market; c) Special Occasion – Soroptomists.
4. Correspondence / Proclamations: 2011 Travel and Tourism Week.
5. Resolution No. 860 – Amendments to 2011 Employee Flex Plan.
6. Boys and Girls Club Subgrant Agreement.
7. Boys and Girls Club HUD Agreement.
8. Eddon Boat Park – AHA-1 Property (DOE Approval of Memorandum of Understanding) – Amendment to Environmental Covenant.
9. Approval of Payment of Bills for April 25, 2011: Checks #66729 through #66823 in the amount of \$287,981.33.

MOTION: Move to adopt the Consent Agenda as presented.
Kadzik / Malich - unanimously approved.

PRESENTATIONS:

1. Swearing-in Ceremony: Reserve Officers Jennifer Moots and James Oxier. Chief of Police Mike Davis presented the background for new Reserve Officers Jennifer Moots and James Oxier; Mayor Hunter performed the ceremony.

2. Peninsula Communities of Faith - Plan to Assist and End Homelessness. Steve Wickline, Executive Director of Peninsula Communities of Faith, highlighted the organization's goals and mission to address the increasing problem of homelessness in our area.

OLD BUSINESS:

1. Second Reading of Ordinance – Definition of Gross Income for B&O Utility Tax. Finance Director David Rodenbach presented this ordinance allowing a deduction for bad debts on the total gross income upon which business and occupation tax is computed.

MOTION: Move to adopt Ordinance No. 1205 as presented.
Kadzik / Young – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Establishing HBZ State Sales Tax Credit. Mr. Rodenbach presented this ordinance that would imposing a 65.5% retail sales and use tax within the Hospital Benefit Zone. He explained that it doesn't impose a new tax, but is a mechanism for the city to attain up to 2 million per year from the State provided the city has matching funds from the prior year. He explained that the ordinance has to be adopted and to the state by May. He addressed questions and said it will return for a second reading at the next meeting.

STAFF REPORT:

Request to Use the Civic Center as a Voting Center. Pierce County Elections has asked to use the Civic Center as a voting center for citizens needing extra assistance. After discussion, Councilmembers agreed that the use was appropriate and asked staff to determine whether Pierce County has been charged for other polling places. They recommended that legal counsel draft an Interlocal agreement between Pierce County and the City to clarify the intent.

PUBLIC COMMENT:

David Bailey – 3824 101st Ct. NW. Mr. Bailey explained that due to the rising cost of food he wants to plant a garden, but has problems with crows and squirrels. He referenced GHMC 9.20.020(b) regarding the legality of using an air gun to "inflict injury upon persons or animals." He asked if the language could be changed to add a definition for varmints that could be eliminated from your own yard.

Council asked that this be added to the next agenda for the Finance / Safety Committee meeting.

Sam Dodge – 812 North Herron Road, KPN, Home, WA. Mr. Dodge asked to open a dialogue on compassionate care medical marijuana dispensaries. He said with the medical presence here in Gig Harbor and the elderly population, he would like the city to discuss the issue and come up with a decision.

Angela Belbeck, City Attorney, explained that the medical marijuana bill passed in the House and Senate and was awaiting the Governor's signature.

Mr. Dodge said that the Governor won't sign because she has been intimidated by the Federal Agents, but the old rules are still in place. The new bill was to re-define the parameters. When asked if Mr. Dodge wanted one located in Home, he responded that because of the hospital and clinics in Gig Harbor, it would be a good location.

John Bass – 3503 Harborview Drive. Mr. Bass spoke in favor of the change that would allow the two restaurants in the Millville area to remain open later in the evening and to serve beer and wine. He said that as a resident there, he doesn't see any negative impact to the change and it would attract boaters.

Ms. Belbeck said that a public hearing will be scheduled on the ordinance and it would be appropriate to take public comment at that time.

MAYOR'S REPORT / COUNCIL COMMENTS:

Councilmember Franich said that he had to leave the Council Retreat early, but he understands that the plan is to move forward with a different plan to Daylight Donkey Creek than the one proposed by the consultant. The new plan has a 2.8 million dollar budget which is a very large sum and he recommended that we should get public input to determine whether the money is better spent on this or other projects. He said it would be beneficial to refresh their memory and to get their opinion.

After discussion it was decided to hold a public meeting on the project after the consultant presents their information at the May 9th Council Meeting.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Planning / Building Committee – Mon. May 2nd at 5:15 p.m.
2. City Council / Planning Commission Joint Worksession: Thu. May 12th at 5:30 p.m.

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

MOTION: Move to go into Executive Session at 6:22 p.m. for approximately twenty minutes to discuss potential litigation per RCW 42.30.110(1)(i).

Conan / Kadzik – unanimously approved.

MOTION: Move to return to regular session at 6:43 p.m.

Franich / Conan – unanimously approved.

MOTION: Move to adopt Ordinance No. 1206 relating to land use and zoning, adopting an immediate emergency moratorium on the establishment of medical marijuana dispensaries, production facilities, and processing facilities within the city; defining terms, setting a date for a public hearing on the moratorium, establishing six months as the tentative effective period until the council public hearing on the continued maintenance of the moratorium and declaring an emergency necessitating immediate adoption of a moratorium. The date of the public hearing is scheduled for June 13, 2011.

Young / Conan –

Legal Counsel Angela Belbeck answered questions about public hearing requirements. Councilmember Young explained that the moratorium is necessary in order to address ambiguity in current law.

RESTATED MOTION: Move to adopt Ordinance No. 1206 relating to land use and zoning, adopting an immediate emergency moratorium on the establishment of medical marijuana dispensaries, production facilities, and processing facilities within the city; defining terms, setting a date for a public hearing on the moratorium, establishing six months as the tentative effective period until the council public hearing on the continued maintenance of the moratorium and declaring an emergency necessitating immediate adoption of a moratorium. The date of the public hearing is scheduled for June 13, 2011.

Young / Conan – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 6:50 p.m.
Franich / Conan – unanimously approved.

CD recorder utilized: Tracks 1002 – 1017



Charles L. Hunter, Mayor



Molly Towslee, City Clerk