

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

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

CALL TO ORDER: 5:30 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of July 11, 2011.
2. Liquor License Action: a) Renewals: Morso; JW Restaurant; Gig Harbor Yacht Club; Mizu Japanese Steakhouse; The Wine Studio; Bartell Drug; and Galaxy Uptown; b) Tanglewood – Added Privilege; and c) Liquor Store Manager Recruitment Letter.
3. Receive and File: a) 2011 2nd Quarter Financial Statements; b) Park & Street Donation Program; and c) Finance / Safety Committee Minutes July 20, 2011.
4. McCormick Creek Project Quit Claim Deed – Harbor Hill LLC.
5. Resolution – Surplus Equipment.
6. Assigned Counsel Contract Amendment.
7. Approval of Payment of Bills for July 25, 2011: Checks #67422 through #67526 in the amount of \$379,167.08.

MOTION: Move to adopt the Consent Agenda as presented.
Young / Payne - unanimously approved.

PRESENTATIONS: Update from Senator Derek Kilmer.

Senator Kilmer hadn't arrived at this time and so the Mayor continued the meeting with Old Business.

OLD BUSINESS:

1. Second Reading of Ordinance – 2011 Comprehensive Plan Amendments. Senior Planner Jennifer Kester presented this ordinance for two proposed comprehensive plan amendments: Electric Vehicle Infrastructure Policies and Gig Harbor Bay UGA Expansion.

MOTION: Move to adopt Ordinance No. 1219 as presented.
Payne / Young – unanimously approved.

2. Second Reading of Ordinance – Electric Vehicle Infrastructure Zoning Regulations. Ms. Kester then presented this ordinance to allow electric vehicle infrastructure including battery charging and battery exchange stations is to ensure consistency throughout the region and provide for some local control.

MOTION: Move to adopt Ordinance No. 1220 as presented.
Kadzik / Conan – unanimously approved.

Mayor Hunter introduced Senator Derek Kilmer, who presented an update on the latest legislative session. He addressed several issues including the state Operating Budget, a new mechanical engineering degree program, the technical amendment to the HBZ Law recently implemented, support for the Maritime Pier and Cushman Trail, and indemnity language for the Narrow Bridge Tolling to protect citizens. He offered to answer any questions.

Councilmembers Young and Payne voiced appreciation for the work Senator Kilmer has done for Gig Harbor in this session, pointing out that the HBZ means millions to the city for the next 20-30 years.

3. Second Reading of Ordinance – Amendments to Special Events Permit.

Marketing Director Lauren Lund gave an overview of this ordinance that would allow for certain commercially organized special events.

MOTION: Move to adopt Ordinance No. 1221 as presented.
Malich / Payne – unanimously approved.

4. Donkey Creek Project: Austin / N. Harborview Drive Road Alignment. City Administrator Rob Karlinsey presented a re-cap of information up to this point. He then explained that the Fish and Wildlife Grant has been extended to Sept. 2013 and there is new information on a bid alternate for continuing a 22' fish-friendly culvert under North Harborview Drive. He asked for a decision on the road configuration tonight.

Shannon Thompson, Parametrix, addressed Council questions regarding the 22' culvert.

Frank Ruffo - 2767 Holly Bluff Court. Mr. Ruffo spoke on behalf of the Gig Harbor History Museum in saying they have had a positive relationship in partnering with the city on this project. He explained that in exchange for additional easement, they would like the city to pay for certain improvements including landscaping and parking for the pocket park. He then explained that they are now taking a position on the road configuration, which is for the city to build the proposed roundabout at some point in the future.

Mayor Hunter responded that these issues that are going to need further workup by staff. Mr. Karlinsey further clarified that the History Museum has certain development permit requirements that they are hoping to exchange for the easement. The cost of the improvements verses the value of the easement needs to be determined. This information will come back to Council in September.

Wade Perrow – 9119 No. Harborview Drive. Mr. Perrow spoke of the importance of preserving this watershed as stated in the mission put forth in the 2009 RFQ. He said

that the key objectives for this project are traffic, fish habitat and museum connectivity. He addressed some concerns with the previous designs and then proposed a one-way bridge design that could be used for driving in Phase I and as a pedestrian bridge in future phases. He presented information on the design, construction and cost of the proposal which he said meets all three of the project goals. He addressed Council questions and offered to work with Parametrix on the design.

After further discussion of this proposal, Council asked staff determine the feasibility of Mr. Perrow's proposal and to come back at the September 12th meeting with the information.

Jennifer Kilmer – Gig Harbor History Museum. Ms. Kilmer said she wanted to clarify statements that the museum is asking for consideration for landscaping and parking. She explained that in regards to the agreement with the city, there are two small areas that remain to be landscaped and the museum is to provide ten public parking spaces. She said that if the city is going to be opening the Austin Estuary, it makes sense to have a single entity do the complete restoration to the back of the property to ensure a natural transition between the stream and the surrounding landscape. In addition, she said that the project has changed to include a public park and there should be consideration for access and parking for this use. The work that they are asking the city to consider is less than \$40,000 and based upon how the project has changed and the economies of scale for having one entity handle the work.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich said he was strongly opposed to doing anything to Harborview Drive, but this new proposal is the best design he has seen. He spoke against the roundabout because of the adjacent, high bluff. He said he thinks Mr. Perrow's plan is realistic and in the end, would look great.

After further discussion staff was asked to look at the feasibility of the proposed bridge plan and to come back and the September 12th meeting with information. Parametrix was given the go-ahead to work on the design with a contract to come back on the 12th for ratification.

NEW BUSINESS:

1. Public Hearing and Resolution - Development Agreement for Chapel Hill Church's Westside Expansion.

Rob Karlinsey recused himself from the meeting at this time.

Associate Planner Kristin Moerler, presented the background on this development agreement to extend the approval of the proposed Chapel Hill Westside Expansion improvements for a duration of seven years, allowing an addition four years to submit permits to construct the improvements. She stressed that the matter before Council is solely on vesting.

Councilmembers Payne and Conan disclosed that they are members of Chapel Hill Church. Both said they had not been involved with the project.

A member of the audience stood and respectfully asked that they remove themselves.

City Attorney Angela Belbeck explained that this is a legislative action and the Appearance of Fairness Doctrine does not apply. She further explained that solely being a member of the congregation would not qualify for the doctrine.

Councilmember Ekberg pointed out that it has been past practice for a Councilmember to identify any involvement with a project but they have never been excluded from participation.

Mayor Hunter opened the public hearing at 7:18 p.m.

Eva Hill – 2020 Squak Mountain Loup. Ms. Hill presented a brief history of the application and described the project. She explained that the development agreement only asks for a period of seven years to implement the phased plan and encouraged Council to follow the Hearing Examiner's recommendation for approval.

Stephanie Ward – 7887 Beardsley Avenue. Ms. Ward said she is the one who gathered signatures from the Harbor Heights neighbors and cited several of their concerns. She explained that it's the neighbors' request that Chapel Hill be required to install irrigation because they haven't kept up the existing landscaping. Ms. Ward continued to say the Harbor Heights consensus is that this not be approved based on city code. She said the Hearing Examiner's decision is based on the lack of ability to regulate a church; they should be held to the same standards as anyone else. She explained that her property lies behind the proposed 122 stall parking lot adding that this area has been used by students who go there to smoke. She also voiced concern with pedestrian safety from vehicles existing onto Rosedale.

There were no others signed up to speak and the Mayor closed the public hearing at 7:29 p.m.

Council asked Ms. Moerler several questions regarding the project and how it relates to current code. There was discussion on the policy to discourage non-conformity and whether Chapel Hill should submit a new wetland delineation or whether a simple review of the current study would suffice. Councilmembers agreed that the applicant should address the six conditions requested by the neighbors.

Eva Hill responded to the six conditions by saying: 1) they will work meet city standards to minimize obtrusive lighting; 2) they will densely reforest the buffer areas after construction; 3) the parking lot will be gated at all times except during functions; 4) the parking lot will be routinely patrolled; 5) the North Creek exit will meet all frontage requirements; and 6) they haven't had a chance to address lighting improvements along North Creek because this is new information.

After further discussion Staff was asked to coordinate a meeting with the applicant and neighbors to mitigate concerns, determine whether a review of the wetland delineation is needed, and then bring an amended Development Agreement to the September 12th meeting.

Ms. Ward asked if the city is concerned that the parking lot doesn't meet code because it is detached. Councilmember Young responded that being adjacent to a building is not a requirement and so this lot is allowed by our code. She then voiced concern that the current lot encroaches into a wetland that runs over in the winter and comes into the neighbor's back yards; trees have been lost because of this.

Mayor Hunter encouraged the neighbors to meet with Chapel Hill representatives to work out these concerns.

Staff was asked to carefully consider the stormwater issues in this area and to consider compliance with our current standards.

Another member of the audience began to speak and the City Attorney reminded him that the public hearing had closed.

The Mayor asked for a brief recess at 8:13 p.m. The meeting began again at 8:18 p.m. Rob Karlinsey rejoined the meeting.

2. Public Hearing and Adoption of Ordinance - Medical Cannabis Collective Gardens Interim Regulations. City Attorney Angela Belbeck explained that this public hearing is to accept public testimony relating to the interim zoning adopted on July 11th and to possibly incorporate additional findings into the proposed ordinance. Council also has the option to adopt it as is at this first reading upon affirmative vote of a majority plus one of the whole membership.

Mayor Hunter opened the public hearing at 8:20 p.m.

Jared Allaway – 35810 16th Ave. So. F-303, Federal Way. Mr. Allaway presented his educational background. He urged Council to read *Marijuana is Safer so Why Are We Driving People to Drink* by Steve Fox, Paul Armentano, and Mason Tvert with foreword by retired Seattle Police Chief Norm Stamper. He asked Council to take the book into consideration with these new rules. He said Council should give the same consideration to the to the California Police Chief's report as Nixon gave the Schaffer Report.

Skye Kilbury – 4553 Pt. Fosdick Dr.. Mr. Kilbury said the regulations zone the collectives to one area off Burnham without much consideration for people with handicaps or on limited incomes because there is no bus service to this area. He said that the area should be expanded. He then said that the purpose of the collective gardens is to save expenses so he doesn't understand why it's not allowed in residential zones.

Sarah Urquhart – 6105 No. 16th St. N-106, Tacoma. Ms. Urquhart shared her story of living with a debilitating nerve disease and how medical marijuana has helped her. She explained that she can't grow her own so the collective garden is the only way for her to have access.

Troy Barber 18611 10th Ave NE, Poulsbo, WA 98370. Mr. Barber, advocate for the legalization of marijuana with Sensible Washington, asked Councilmembers to consider the potential bias of the information from the law enforcement community being used as a resource. He said that the medical marijuana has been approved for Veterans by the Veteran's Administration in states that allow usage. He also said that patients need safe and affordable access to their medicine; medicine which is proven non-toxic and safer to use.

Robert Hill – 2522 Proctor Street, Tacoma, WA. Mr. Hill, candidate for Tacoma City Council position #3 explained that he is the author of Initiative 1 that makes cannabis possession low priority. Mr. Hill made several comments to support postponing the moratorium and in favor of allowing medical cannabis: it's a plant put here by God; not many dispensaries per population; could charge sales tax; the need for greater access to locations; and phone numbers on ordinance resource exhibit are obsolete. He suggested using data from the local Chamber of Commerce, Health Department, and Planning Staff as guidance.

Mayor Hunter began to close the public hearing at 8:30 p.m. Another member of the public came forward and asked to speak and the hearing remained open.

Sarah Short – 250 West Thunderbird Dr., Elma Washington. Ms. Short voiced concern that Gig Harbor isn't going to allow patients safe access to their medicine and asked that Council keep an open mind. She shared her own medical story and urged Council to approve this for people in Gig Harbor who are sick.

There were no further public comments and the hearing closed at 8:34 p.m. A motion came forward and there was brief Council discussion. Legal Counsel Angela Belbeck clarified that the moratorium would be in place for nine months; enough time for Planning Commission consideration and further public input. Staff was asked to notify members of the audience who spoke during the public hearing of upcoming hearings.

MOTION: Move to adopt Ordinance No. 1222 at this first reading.
Conan / Kadzik – unanimously approved.

3. Eddon Boat Park Design – Consultant Services Contract/Anchor QEA, LLC. City Administrator Rob Karlinsey presented the background for this contract to design improvements to the Eddon Boat Park and responded to Council questions. Staff was asked to include the kayak club in the design.

MOTION: Move to authorize the Mayor to award a contract with Anchor QEA for the design, permitting and construction support for the Eddon Boat Beach Restoration Project in an amount not to exceed \$38,450.00.
Ekberg / Kadzik – six voted in favor. Councilmember Franich voted no.

4. Resolution in Opposition of Reducing the Number of County Councilmembers. Councilmember Derek Young explained that on August 9th, the County Council will consider action to forward a recommendation to the voters to reduce the council from seven to five members. He said this would add approximately 45,000 residents to our Council District. The impetus is to save money but it could possibly impact our representation. He asked Council to consider a resolution opposing the reduction.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich spoke against the resolution citing several reasons. He talked about the cost to employ each council member and their staff, saying he'd rather reduce the number to five members and use the savings to put more deputies on the streets.

Councilmembers debated the merit of the resolution.

MOTION: Move to call for the question.
Ekberg / Franich – unanimously approved.

MOTION: Move to adopt Resolution No. 867 as presented.
Young / Malich – roll call vote:

Ekberg – yes; Young – yes; Franich – no; Conan – no; Malich – yes; Payne – no; Kadzik – yes. Motion carried four to three.

STAFF REPORT:

PUBLIC COMMENT:

MAYOR'S REPORT / COUNCIL COMMENTS:

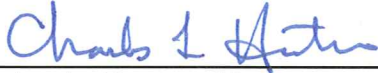
ANNOUNCEMENT OF OTHER MEETINGS:

1. Intergovernmental Affairs Committee Special Meeting: Tue. Jul 26th at 3:30 p.m.
2. Planning and Building Committee Special Meeting: Mon. Aug 1st at 5:15 p.m.
3. Lodging Tax Advisory Committee: Wed. Aug. 3rd at 8:30 a.m.
4. No City Council Meetings on August 8th or 22nd.
5. Operations Committee: Thu. Aug. 18th **CANCELLED.**
6. Special Council Meeting: Mon. Aug. 29th at 5:30 p.m. – Bid Awards.

ADJOURN:

MOTION: Move to adjourn at 9:05 p.m.
Ekberg / Conan – unanimously approved.

CD recorder utilized: Tracks 1002 – 1037



Charles L. Hunter, Mayor



Molly Towslee, City Clerk