

## MINUTES OF GIG HARBOR CITY COUNCIL MEETING – January 13, 2014

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

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

**PLEDGE OF ALLEGIANCE:**

### **CONSENT AGENDA:**

1. Approval of City Council Minutes Dec. 9, 2013.
2. Liquor License Action: a) Special Occasion Liquor License: Kiwanis Club at Gig Harbor Eagles; b) Renewals: Thai Hut, The Inn at Gig Harbor, Brix 25 Restaurant, Fondi Pizza, The British Connection, Lunchbox Laboratory, Lele's; c) Change of LLC – Lunchbox Laboratory; d) Application – Olive Branch; e) Assumption – Tokyo Teriyaki.
3. Receive and File: Finance – Safety Committee Meeting Minutes Dec. 16, 2013.
4. Second Reading of Ordinance – Municipal Judge Compensation.
5. Municipal Judge Contract Renewal.
6. Court Security Contract.
7. Approval of Payment of Bills Dec. 23, 2013: Checks #74211 through #74342 in the amount of \$761,615.10.
8. Approval of Payment of Bills Jan. 13, 2014: Checks #74343 through #74461 in the amount of \$1,088,446.81.
9. Approval of Payroll for the month of December, 2013: Checks #7090 through #7105 and direct deposits in the amount of \$348,670.19.

Councilmember Arbenz recused himself from voting due to items numbers 4 and 5 of the agenda.

**MOTION:** Move to adopt the Consent Agenda as presented.  
Ekberg / Payne – five voted yes. Councilmember Arbenz abstained.

**OLD BUSINESS:** None scheduled.

### **NEW BUSINESS:**

1. Public Hearing and First Reading of Ordinance – Expiration of Utility Capacity Reservation Certificates for Utility Service Outside City Limits. Mayor Guernsey opened the public hearing at 5:32 p.m. No one came forward to speak and the hearing closed.

Public Works Director Jeff Langhelm presented an overview and background for this ordinance. This will return for second reading on the January 27<sup>th</sup> Consent Agenda.

2. Public Hearing and First Reading of Ordinance – Waterfront Millville (WM) Residential Setback and Height Regulations. Planning Director Jennifer Kester presented the background and used a PowerPoint presentation for this ordinance that would allow homes to be built closer to the sidewalk and to allow the building height to be measured at the property line. She answered Council questions.

Mayor Guernsey opened the public hearing at 5:47 p.m.

Jeni Woock – Citizens for the Preservation of Gig Harbor. Ms. Woock said that it's obvious that the majority of Gig Harbor citizens want to save every water view possible and keep our small, unique, charming fishing village flavor. This zoning problem runs deeper. During a meeting we heard one of our councilmembers say that if you want a view of the harbor you should go buy it. In December, a councilmember said he would vote for this zoning issue before this public hearing tonight. In a Gateway article on January 8<sup>th</sup> discussing the amendments, our Mayor is quoted as saying it's not a popularity contest; under the law community displeasure is not a basis to deny a project. Obviously, popular means the majority of Gig Harbor citizens. History has proven that just because government has power to do something that doesn't make it right to do, she continued to say. The basic principles of democracy say that elected and appointed officials are to be accountable to the people. Officials must make decisions and perform their duties according to the will and wishes of the people. This is not a popularity contest; these are the principles of democracy you uphold or you don't, she said. In a democracy, people are the most important thing. The purpose of government is to serve the needs of the people not vice versa. This is what we teach our children in school and it's good enough for all of us. There are American men and women standing up and dying for freedom and democracy all over the world. The very least we can do is to protect these principles here at home. Ms. Woock said that tonight she was presenting 1,594 signatures of Gig Harbor citizens for no new zoning changes anywhere on Harborview Drive. In addition, 53 residents from Millville signed this petition. Four Millville residents are in favor of the proposed changes. Two Councilmembers, one Planning Commissioner, one city employee, and about eight residents who were not home were not approached. She then suggested that Ms. Kester describe the two basic house designs allowed in Millville; the standard and the basic unit house design.

Bob Ingram. Mr. Ingram said he signed up to talk on another topic.

Jim Franich – 3702 Harborview Drive. Mr. Franich said he hopes Council was able to review the letter he submitted, and that he hopes Council will reject this ordinance or at the least amend it as suggested in his letter.

Randy Mueller – 3514 Harborview Drive. Mr. Mueller read from his letter submitted earlier opposing the amendments. He said that none of the Millville properties of concern that he has personally observed would be adversely affected by being held to the current regulations. The only parcel prejudiced by current regulations is the Ancich property, which is now owned by the city. The topographic properties of all current parcels of concern do not present any conditions that would warrant special variances to make residential building feasible, and he does not feel that crowding residences closer to sidewalks, plus increasing structure heights, is conducive to increasing the walking-friendly feeling in this heavily traveled zone. He said that if a particular Millville property experiences a prejudicial issue during development, then it should be resolved through a variance. He thanked Council for consideration of his concerns.

Bob Frisbie – 9720 Woodworth Ave. Mr. Frisbie announced that he would be speaking for Richard Allen as well. Mr. Frisbie said that he and Mr. Allen own the marina at 3521 Harborview and that they are against these amendments. He said there are primarily three properties that this could be

used; part of Stan Stearns' property, their property, and the Bujacich Dock. He explained that one of the things that make the Millville area special is the zone was created by the people who asked for it 30 years ago rather than it coming from the Planning Department or Planning Commission. The people put in the conditions that have worked for approximately 30 years, and he asked that the zone be left alone. He used the example of how a car parked in front of a garage would stick out onto the sidewalk if the setbacks are changed to 18 feet. He continued to say that when the height in this zone was set up it was based upon an average elevation of the property. That was eroded by a change to use the highest point of the footprint of the house. Now you want to move it off the sidewalk which will further erode the intent to preserve views by keeping the size and height down. He offered to work with Council and other credentialed people to lessen the 35 foot buffer, but stressed "do not push the houses up on the road." The last issue he addressed was the 60 foot right of way on Harborview and the city's desire to add another 5 feet to sidewalks, which will leave you "kissing" the front porch. He stressed again that they are against these amendments.

M.L. Kellogg – 13321 Muir Drive NW. Ms. Kellogg, explained that she is new to the area, and so perhaps her view is more objective than some. Trust is at the core of this meeting, she said. The Council has the right to make changes to city-owned properties, and to residential. Considering that there are two sides to every story, perhaps the residents deserve a better explanation. Is this happening because of tax needs? Is this happening because of a developer? As the gentleman before talked about the terrible parking problem, she has lived with that in Seattle, she added. We all want to keep the character of the City of Gig Harbor while accomplishing rebuilding and remodeling. As time goes by, that becomes a necessity, however there is not a city she knows of where the people want to move the setbacks closer to the street. In every city people have fought against that. You have only one street in Gig Harbor, she said; one street only that represents the essence, the soul, the spirit of this Normal Rockwell sort of destination. The harbor, the boats, the mountain, and the mystic harbor appeal of the East Coast are things that visitors come to see. In fact there is a large population of people that relocated here because of that one street, Harborview Drive. Your offer to give back eight feet to waterfront property owners and developer sounds like there's another agenda here and she said she is disappointed that this discussion even has to take place, and she doesn't want to see this city compromised.

Marilyn Lepape – 10408 Kopachuck Drive NW. Ms. Lepape said she is not in favor of the proposed changes to the residential setback and height regulations in the Millville area. She said that Gig Harbor belongs to more than those who reside within the city limits. She asked if you would exclude those who would like to visit, shop, or enjoy a walk along the harbor. If not, you should consider carefully any sweeping action that would diminish the qualities enjoyed by the larger community who feel they belong here too. Some have referred somewhat derisively to Millville homes as "houses in a hole." They really aren't in a hole, but rather are sited on a natural slope, she said. They don't look stupid as one builder noted; they fit in with the contour of the land. Allowing homes to move close to the sidewalk would make a noticeable difference because the houses would now be in your face, perceived as taller, and would seem as an abrupt barrier or interruption of the natural slope toward the harbor. Those who bought property in Millville knew the restrictions and maintaining the status quo doesn't change anything for them. It's not the City Council's job to find a remedy for the grievances of Millville property owners affected by the Shoreline Master Program, but it is their job to maintain the ambience and the unique quality of

Gig Harbor. Previously, Councilmembers have insisted that you listen to members of the community, she said. You must listen to them; that is what you were elected to do. Please, don't just listen with your minds made up, she finalized.

Peter Stanley – Tides Tavern, 2925 Harborview Drive. Mr. Stanley spoke in favor of the ordinance as presented as perfectly appropriate and moderate. He said that we have to remember that this has already gone through a lot of discussion through various commissions and the city bringing it to this point. Those commissions do take into account the voices and responses of the citizens. He said that he thinks it is very important that the Gig Harbor City has offered a way to give back to property owners a small part that was taken by the State of Washington. He said he also thinks it's important that this makes the residential zoning equal and in alignment with the commercial zoning. Someone mentioned the status quo, but that has changed significantly through the new comprehensive land and buffer zone, and as a property owner, he would be encouraged and appreciative of an opportunity to get back and use a little more of his property. He again said he is in favor of this.

Jim Eustace – 8601 Goodman Drive NW. Mr. Eustace said he was confused by prior statements, but had a number of his questions answered this evening. He said that there seems to be a total different thinking since some of the statements made at the April 25, 2012 meeting and it concerns him. People were scolded when they made statements regarding to developers but when minds are changed so drastically it leads people to think in that direction. Mr. Eustace said he has been around here on and off since the early '80's. He then read from the visioning statement and then asked about maintaining humble and livable homes, and not opening it up wide for commercial. He said we have a great many beautiful homes that could possibly be unable to see the water, unable to see the view, or unable to see what they've seen for the past 50 years if we start building up across the street. We all know challenges to some of these ordinances sometime make them go down the drain. He would hate to see Gig Harbor be turned into a cross-town, other side of the freeway, Gig Harbor North, a Bellevue, or something like that. We've got a beautiful area and he thinks we need to do everything, listen to the people that live in the area, and preserve what we can because once you build a 27 foot building it's there forever, or for a long time.

Greg Hoeksema – 9105 Peacock Hill Avenue. Mr. Hoeksema said he isn't clear how many lots would be made unbuildable by the changes in the Shoreline Management Plan. Ms. Kester has indicated that the amendments would mostly affect vacant parcels, tear-downs and rebuilds, and substantial remodels. When he purchased his home in the historic district in 2000, he did research to ensure that his investment would be protected and to know what changes he could make within the historic district. He said he hopes the people who purchased the vacant parcels, intend to tear down, rebuild, or do a substantial remodel, also have done their due diligence and understood that the historic nature of a turn of the century home is not a 3500 square foot home fronting the sidewalk. With recent amendments, we are gradually whittling away at the very vision that this Council worked so hard for our town. He said he read from Mayor Guernsey's election statement regarding the "three-legs" to Gig Harbor: Uptown, Gig Harbor North, and Downtown. He said he's not sure this is necessarily the case anymore; there are two thriving, rapidly growing areas that need to be controlled and planned. These two areas are cradling the very essence of what Gig Harbor is about; our sacred Downtown area. He said he is not anti-growth or anti-development,

that there is a difference between development and developers, and a difference between the interests of the city and how we develop Millville and the interests of the developers. Those two will always clash to some degree. Houses in a hole are present all over Gig Harbor; that's a part of the look of Gig Harbor, he said. We want to maintain the turn of the century look of downtown, but right now it seems we are worried more about how Gig Harbor looks in the 21<sup>st</sup> Century. Residential zoning should not equal commercial zoning; that would put us behind what this Council and staff has worked to achieve. Look across the harbor to see what Millville could look like with big homes on small lots. That is not what Millville was meant to be, nor is it the vision. He warned Council that this change will be forever, saying you can't unscramble an egg.

Drea Solen – 3416 135<sup>th</sup> St. Ct. NW. Mr. Solan gave kudos to the previous speaker, saying he is glad Gig Harbor North was mentioned. This is the area he lives and the out of control growth has been shocking. This impacts the harbor because people are dying for a place to breath. All the talk about rejuvenating and commerce; people just want to enjoy the view and the quaintness. He moved here because of Harborview, the netsheds, everything that he remembers from 15 years ago. He said he can't see the "why" for taller buildings and setbacks. Everyone here is speaking for the greater community, but during the vote, nothing was said about what is good for the community. Councilmen said the views are good enough up Pioneer; talked about wanting larger shops, to be able to walk to buy their clothes. What next, waterbeds and campers? He said he doesn't know where that's going, and that's where you get the overtones of it being about being in bed with the developers. He said he would love to hear what's going on in your minds as to why this is so good. The people have provided eloquent arguments, discussions, and pleas and the one Councilmember who spoke against the amendments was attacked for his views and that's not how you do it. He said he would like to bring it all back to Gig Harbor and the waterfront; don't touch it.

Carlene Salazar – 13018 144<sup>th</sup> Street, KPN. Ms. Salazar said she moved here over 25 years ago because of what Gig Harbor was, and the beautiful views along the waterfront and all that it implies. She said she understands and feel comfortable with the idea of homeowners being able to do buildings and renovations, but again, this is an historical district. Those people bought that property knowing that, and she feels this is the essence of Gig Harbor. Frankly, she said, she and her husband are now looking at moving because of this Council and the way it has been acting and not listening to the people of Gig Harbor and the region.

There were no further public comments and the hearing closed at 6:17 p.m. Mayor Guernsey said this will return for second reading on January 27<sup>th</sup>.

Councilmember Payne asked for clarification on the ability to remodel or rebuild an existing historical home. Ms. Kester explained that most of the homes that aren't within the Shoreline buffer zone do not comply with the existing 18 foot height limitations and could not be rebuilt.

Councilmember Malich asked Ms. Kester to elaborate on the right to build 27 feet on the downhill side of any house on the waterfront. Ms. Kester responded that 18 feet is the uphill height limitation. Built into the same section of code is a 27 foot downhill limit so no portion of any building can exceed 27 feet. There is a code provision called the basic structure unit which allows a 27 foot high, 25 foot wide, 40 foot deep residence with significant roof pitch and porch

requirements. The 27 feet is measured at the lowest end of the site / setback. Because of how it's measured, when you have sloped sites with 10 feet or more grade change between the street and where the property ends, the advantage gained by the provision would be lost. The proposed amendments do not change the basic structure unit provisions nor do they provide any advantage. In her 11 years of dealing with this area, property owners have never used this provision and that is why she has not discussed them during the amendment process; she doesn't believe they are applicable on sloped, waterfront properties.

Councilmember Kadzik continued with the discussion on rebuilding, and said there may be six existing houses that are still residential or originally residential that are all fairly close to the property line. He asked if Ms. Kester had a "feel" for how close these houses are to the property line. She responded that in her recollection, they are in the 10 – 15 foot range before you hit a part of the house structure. The two newest homes built between Ancich and Eddon Boat are an example of what the existing residential height requirements, minus the shoreline setback, can achieve in that zone. She addressed his question regarding the two condominium complexes, saying the setback at these sites could be anywhere from 10 to 35 feet. They do not meet exceed the density allowance and so they couldn't get the same number of units if they were to rebuild. Furthermore, the parking lots along Harborview serve the marinas and so the property would have to be "scraped clean" in order to see the fruits of this amendment.

Mayor Guernsey announced that this will return for second reading at the next meeting.

3. Appointment of Mayor Pro Tem.

**MOTION:** Move to appoint Steve Ekberg to Mayor Pro Tem for 2014.  
**Payne / Kadzik** - unanimously approved.

4. Appointments to Pierce County Regional Council. Mayor Guernsey explained that former Councilmember Derek Young was the city's representative. She offered to serve in his place, and Councilmember Perrow has offered to be the alternate.

**MOTION:** Move to appoint Mayor Jill Guernsey to serve as the city' representative on the Pierce County Regional Council, and for Councilmember Michael Perrow to act as second.  
**Malich / Payne** - unanimously approved.

**STAFF REPORT:** None.

**PUBLIC COMMENT:**

Bob Ingram – 507 Foxfire Road, Fox Island. Mr. Ingram said he would like to see a resolution honoring his friend who recently passed, Vernon Young. He explained that Mr. Young was very active with creating so many of the parks we enjoy, and asked that April 26th be named "Vernon Young Parks Appreciate Day" in his honor. He said that Terry Lee is working to name a pavilion at Sehmel Homestead Park in his honor. Mayor Guernsey asked him to work with the City Clerk for a resolution.

Mayor Guernsey announced a short break at 6:30 p.m. The meeting reconvened at 6:40 p.m.

**INTERVIEW FOR COUNCIL VACANCY:** Mayor Guernsey announced that the City Administrator would draw names for the order each candidate for the vacant city council seat would be interviewed. She then explained that she would ask a set of predetermined set of questions of each candidate. Each candidate was asked to respond to each of the following questions:

1. Why do you want to serve on the City Council?
2. What experiences, talents or skills do you bring to the Council and community that you would like to highlight?
3. Do you want to be on the Council because of a particular local issue(s) on which you want to work, or are your interests more broadly distributed?
4. Are there any regional issues or forums in which you have a particular interest or expertise? (e.g. transportation, water, finance, parks, etc.)
5. As a member of the Council you would be expected to participate in government activities outside of the regular City Council meetings. Do you have any particular scheduling problems that would preclude your participation?
6. If appointed, would you run for election to a new term in 2015?
7. Given a range from 1 to 8, 1 being historic preservation or no change and 4 being changes in zoning for growth, increased business and development; where would you position yourself and why?

The candidates were asked the questions above and given several minutes to respond. They were interviewed in the order their names were drawn:

1. James Hagman
2. Rahna Lovrovich
3. Douglas Pfeffer
4. Kenneth Christian, Jr.
5. Spencer Hutchins
6. Jim Pasin
7. Greg Hoeksema

At 7:47 p.m. and the conclusion of the interviews, Council adjourned to executive session for approximately 20 minutes to discuss the qualifications of the candidates per RCW 42.30.110(H).

They returned to regular session at 8:07 p.m. and the Mayor opened the floor for nominations.

Councilmember Malich nominated Rahna Lovrovich.

Councilmember Payne nominated Spencer Hutchins.

Councilmember Arbenz nominated James Hagman.

**MOTION:** Move to close the nominations for the vacant city council position No. 4.  
**Ekberg / Payne** – unanimously approved.

Councilmembers took turns thanking the candidates for submitting their applications. It was noted that the candidates are all well-qualified in several different areas, and they were encouraged to apply for other boards and commissions that become available.

Mayor Guernsey asked if Council was prepared to vote. City Clerk Towslee passed out polling strips and Council was directed to write their name and their preferred candidate on the slip. She then collected the slips and read the results into the record.

Councilmember Ekberg:	Rahna Lovrovich
Councilmember Arbenz:	Spencer Hutchins
Councilmember Malich:	Rahna Lovrovich
Councilmember Perrow:	Spencer Hutchins
Councilmember Payne:	Spencer Hutchins
Councilmember Kadzik:	Rahna Lovrovich

Due to the tie, Clerk Towslee passed out a second set of polling strips. The results of the vote were once again read into the record.

Councilmember Ekberg:	Rahna Lovrovich
Councilmember Arbenz:	Spencer Hutchins
Councilmember Malich:	Rahna Lovrovich
Councilmember Perrow:	Spencer Hutchins
Councilmember Payne:	Spencer Hutchins
Councilmember Kadzik:	Rahna Lovrovich

Because of the second tie, the Mayor was given a slip to complete to break the tie. The results of her vote was read into the record.

Mayor Guernsey:	Rahna Lovrovich
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Mayor Guernsey then declared Rahna Lovrovich the new City Councilmember and asked that she be sworn in at the next meeting of January 27th.

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

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Operations Committee: ~~Thu. Jan 16<sup>th</sup> at 3:00 p.m.~~ **CANCELLED.**
2. Civic Center Closed for Martin Luther King Holiday – Mon. Jan 20<sup>th</sup>.
3. Intergovernmental Affairs Committee: Tue. Jan 21<sup>st</sup> at 4:30 p.m.
4. Boards and Candidate Review Committee: Tue. Jan 21<sup>st</sup> at 4:00 p.m.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:18 p.m.  
**Payne / Kadzik** – unanimously approved.



CD recorder utilized: Tracks 1002 – 1046

  
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Jill Guernsey, Mayor

  
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Molly Towslee, City Clerk