

GIG HARBOR SPECIAL CITY COUNCIL MEETING OF JUNE 26, 2000

PRESENT: Councilmembers Young, Robinson, Owel, Dick, Picinich, Ruffo and Mayor Wilbert. Councilmember Ekberg was absent.

CALL TO ORDER: 7:05 p.m.

SPECIAL PRESENTATION: Recognition of Gig Harbor Police Officer.

Chief Mitch Barker introduced Officer Kevin Entze, and presented him with the Departmental Commendation and Lifesaving Award for performing CPR on a fellow Lodge member, resulting in the gentleman's successful transfer to the hospital and subsequent release to home.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meetings of June 12th and June 19th, 2000.
2. Correspondence / Proclamations:
 - a) Thank you letters: Evergreen Lutheran / Windermere.
 - b) Skatepark letter: Ryan DeMarcus.
 - c) Transit funding: Pierce Transit.
 - d) Salmon recovery: Debora Hyde, Pierce County.
3. Short Term Agreement with the Port of Bremerton.
4. Downtown Design Visualization Consultant Services Contract.
5. Right-of-Way Dedication Agreement Amendment - Olympic Property Group and Logan International Corporation.
6. Purchase Authorization - Skid Steer Loader.
7. Liquor License Renewals: Harbor Humidor Puerto Vallarta Restaurant
Round Table Pizza
8. Approval of Payment of Bills for June 26, 2000:
Checks #30152 through #30240 for \$91,744.97.

MOTION: Move to approve the Consent Agenda as presented.
Picinich/Ruffo - unanimously approved.

OLD BUSINESS:

1. Economic Analysis Scope of Work - Proposed Narrows Bridge/SR-16 project. Mark Hoppen, City Administrator, explained that Council had expressed concerns with the socio-economic section of the Final Environmental Impact Statement on the SR-16 Bridge project proposal. He said that if Council wished to become involved with the FEIS or wished to gain further information about the economic effect of the proposal on the community, it would be advisable to further study the impact in order to take action. He explained that an analysis could indicate various economic measures that could be assessed in order to seek information on

potential scenarios that might impact the Peninsula in the event the project was or was not built. He gave an overview of the consultant's qualifications and the estimated cost of an economic study.

Councilmember Picinich explained that he had concerns about the amount of money that the City of Gig Harbor would be expected to spend toward an appeal. He said that he was not convinced that an appeal, at the expense of the city residents, was necessary.

Mr. Hoppen answered questions about the economic study and said that it would take anywhere from 12-20 weeks. He said that the study would develop a quantitative backdrop for an appeal in addition to providing an assessment for the future comprehensive plan. Several people had signed up to speak on the issue, and Mayor Wilbert invited them to do so.

Alfred Gunn - 3720 26th Ave Ct. Mr. Gunn said he was concerned with the economic impact of the project. He said that if the citizens had voted on previous misinformation, he wondered about other deception that may take place. He said that adding two HOV lanes was a poor design concept and added that although he was a proponent of an additional bridge, he was not in favor of the public/private consortium.

James Boembell - 6901 Soundview Drive. Mr. Boembell said that he agreed that there had been quite a bit of deception on this project. He suggested a solution that had been used in California, allowing HOV lanes to be tolled, and allowing the others to remain open. He said that alternatives should be considered.

Matthew Warren - 5911 Reid Drive. Mr. Warren said that he thought the proposed HOV lanes were absurd and added that the more people that car pool, the higher the tolls would become to pay for the bridge. He said that a solution would be to convert the HOV lanes to express lanes with an additional charge to use.

Randy Boss - 3400 56th St NW. Mr. Boss showed a copy of the SR-16 / Union Avenue Social and Economic Study done for the project and said that the 40-page summary was mostly a convoluted proponent report for the bridge. He handed out a one-page summary that contained the two sections of the report that have bearing on the tolls and their impacts upon the community. He summarized the page and then said that the tolls would restrict people from coming to here to visit or to live. He talked about the amount of money that would be "sucked" from the community, resulting in loss of money being spent locally. He said that the EIS is painfully inadequate, and urged Council to ask for review of the environmental issues and the impact of the tolls on the community.

Donald Williams - 7812 Olympic View Dr. NW Mr. Williams said that although he did not live in the City of Gig Harbor, he did have a vested interest in what Council was doing, as it effects everyone in western Pierce County and the South Kitsap/Bremerton area. He said that Council should takes steps to proceed with the appeal but not to wait any longer as "latches" would be claimed. He talked about congestion pricing, the lack of alternative routes, performance agreements, and fixed priced contracts. He urged Council to take action.

John Holmaas - 7524 Goodman Drive NW. Mr. Holmaas spoke on two issues; the economic development of the area and the economic impacts on life. He said that studies have shown that the toll will encourage owner occupied housing and would discourage tenants. He then discussed the safety issues surrounding the bridge. He urged Council not to appeal the FEIS.

Dave Folsom - 3160 Anne Marie Court. Mr. Folsom said any economic study should consider the possibility that the connecting HOV lanes will not be built in conjunction with the bridge, as there had not been any commitment from the state. He asked why the bridge was being built without this commitment.

Jack Bujacich - 3607 Ross Ave. Mr. Bujacich said that he had been a long believer of another bridge as the existing one is fifty years old. He said that before Council starts spending his tax dollars, that they should get Pierce County and Kitsap County involved. He asked why the citizens of Gig Harbor should be expected to spend up to \$50,000 for an economic study and \$250,000 for an appeal by themselves. He discussed the appearance of fairness and hearing both sides before making a decision. He said he had read Councilmember Robinson's report, and that it appeared that the Councilmember's mind was already made up.

Karen Biskey - 4113 35th Ave. NW. Ms. Biskey said that she would like the city to file an appeal on the EIS, as it was inadequate. She said that the city should file an appeal and must represent its residents regardless of what other jurisdictions are doing. She read a paragraph prepared by the attorney hired to investigate the EIS for issues that would warrant an appeal. The paragraph referred to the City of Gig Harbor's formal comment contained in the draft EIS discussing the fundamental inequity to the Gig Harbor taxpayers because of the proposed tolling scheme, the growth resulting in increased vehicle capacity, and the consequential pressure on public services associated with the growth. She said that the response to the city's concerns was not persuasive that these issues had been addressed. She added that there are no guarantees to an appeal, but described other successes. She said that an economic study done in the absence of an appeal would have no effect.

Pat Lantz - 151 Raft Island. Ms. Lantz introduced herself as the State Representative for the 26th District. She said that she hoped Councilmembers had received a copy of her document relating to the process for the upcoming TEFRA hearing and explained that the hearing was to gain input on the project before issuing tax-exempt bonds. She said that the results of the hearing would be transmitted to the Governor, who would then be charged with making a decision on whether to approve the bonds. She added that this was important because a decision was being made outside the closed circle of UIW and the Department of Transportation. She said that Council's decision on whether to appeal the EIS on the basis that it does not adequately address the economic impacts on the community is important, as it represents a cost that had not been addressed in the evaluation of the merits of the project. She said that the force of law from an appeal by the Council would offer more credibility. She then asked for help in delivering the best information possible to assist the Governor in making a decision.

Glen Reynolds - 8023 Shirley Ave. Dr. Reynolds said that he had concerns regarding the large number of community members that travel over the bridge to maintain their employment. He said that these taxpayers are now being asked to assume a toll for a bridge when the state has

committed tax dollars for a "fun and games" project in Seattle, but wouldn't spend it for a bridge for those trying to earn a living. He said that this was economic tax discrimination on employees and people who depend on the health care system.

Mayor Wilbert closed the public comment portion of the meeting. She then introduced Councilmember Mark Robinson, who spoke from the public podium.

Councilmember Robinson discussed the five approaches to the traffic problem, ranging from no new bridge to building the project as proposed. He gave a presentation addressing several concerns with the FEIS. He said that most of the discussion about the bridge project is centered on economic impacts. He said that these impacts probably can be survived, but that the damage done to the community through the lack of funding for schools, parks and other amenities will be long lasting. He said that it is not just an economic issue, but also a quality of life issue. He concluded by saying that the City Council is elected to be leaders of the community and should lead the process, and not wait for the County to come forward.

Mayor Wilbert saw one other person who wished to speak and invited her forward.

Betty Ringlee - 11313 67th Ave NW. Ms. Ringlee referred to the story of David and Goliath and urged Council, as elected officials, to vote in favor of an appeal. She said that 80% of the voters in the community voted against conditional tolls. She said that other communities have stood against the public-private partnership type of projects and added that an appeal of the FEIS by the city would send a message to those in higher office. She asked for the Council's support on behalf of the whole community.

Michael Murphy - 11030 56th St. NW. Mr. Murphy said that he applauded the Council for allowing this forum, which demonstrated democracy in action.

Mayor Wilbert said that she had heard two recommendations for action; one being the economic analysis, and the other to move forward and appeal the FEIS.

Councilmember Picinich said that he would like to know the initial cost of an appeal. He said that he is not opposed to a new bridge, but he is opposed to the tolls and what the Department of Transportation had done to this community. He said that the meeting on the 29th regarding funding was a way to address these issues and suggested that Council attend this meeting and draft a letter to the Governor expressing their concerns before moving forward with an expensive appeal.

Councilmember Owel said that she could support this suggestion. She addressed the perception that those opposing the toll are opposing the new bridge itself. She said that she supports a second bridge but opposes the tolls, adding that this was not an effort to delay the building of the bridge. She then stated that the \$250,000 figure mentioned as a cost of an appeal was the outside figure and repeated the statement by Councilmember Robinson that this amount would average out to \$37 per citizen, putting the cost of an appeal into better perspective. Mayor Wilbert mentioned that there was a community effort to raise funds to assist the city in the appeal effort.

Councilmember Young commented that appealing the EIS wouldn't necessarily stop the bridge, but would force United Infrastructure to return with a different impact statement, costing the citizens additional tax dollars in legal fees. He said that he was not convinced that filing an appeal would restructure the project or result in funding from other sources. He addressed the comments by Councilmember Robinson about the recent effects of the bridge on housing and explained that the housing market had recently increased, not decreased as had been stated.

Councilmember Dick said that he believed that the bridge was needed, but that the proposal was wrongful and unwise. He said that the public/private nature of the project and lack of competition was not addressed in the FEIS. He continued to say that the failure to address the economic impacts and to discuss alternatives concerned him. He said he was also troubled by whether a successful appeal of the EIS would result in an improved project. He said that the only thing that could affect change is if someone with the authority to do so chooses to step forward. He added that if Council chooses to express their concerns about the adequacy of the FEIS by identifying issues that are not adequately studied, then it may be possible that the Governor, or the Legislature, may consider this information as they make any discretionary decisions. He said that he was being persuaded toward considering an appeal of the FEIS to provide political cover for others to make a decision. He added that he understood Councilmember's concerns with the cost of an appeal and asked staff to obtain an indication from legal counsel on the cost of moving forward with the appeal process. He discussed the TEFRA hearing and said that Council could express their concerns that this was a project that needed to be re-addressed.

Councilmember Picinich asked Pat Lantz for insight into the June 19th meeting she held with the Governor. Ms. Lantz explained that she and six others, including Councilmember Dick, had talked with Governor Locke encouraging him to exercise his responsibility under TEFRA to make certain that the facts were fully known before he signed. She said that Governor Locke had assured them that he would do nothing until he looked at the public interest in the project. She said that there may some real persuasiveness to the Council filing an appeal with pertinent data. She discussed the importance of acting in a timely manner, as UIW wanted to begin selling the bonds by the first of the year.

Councilmember Ruffo said that he thought it was important, as a group, to deal with this issue at a higher level addressing the legislature, the Governor, and Congressman Norm Dicks. He said that he was concerned that the city may be wasting taxpayer's dollars in a fruitless effort by filing an appeal, and added that in his view, it is best to negotiate a solution. He said that public safety is a fundamental issue, and that he would like to address this as a defense installation issue at the federal level. He said he did feel that the project was unfair to the citizens, but did not know what an appeal of the EIS would accomplish.

Councilmembers discussed drafting a letter to the Governor, attending the meeting on the 29th, the cost of an appeal, and being mindful of the time constraints. Councilmember Ruffo asked about meeting with the Governor. Ms. Lantz said it could be arranged, adding that the effectiveness of a meeting would depend upon the articulation of the issues.

MOTION: Move that we authorize the Mayor to draft a letter to Governor Locke expressing the Council's concerns with the project as follows:

- the inadequate public process.
 - the failure to have any competition to keep the costs of the project affordable.
 - the public/private partnership and the added expense over traditional proven methods.
 - that he consider the disproportionate economic impacts upon the citizens who have already paid for the existing bridge.
 - that the existing bridge is to be improved using funding from tolls.
 - that he not approve the TEFRA financing until he has heard the results of the Blue Ribbon Commission.
 - that alternatives that the EIS did not consider be included.
- Dick/Owel - unanimously approved.

There was continued, extensive discussion on whether to pursue an appeal of the Final Impact Statement. The following motion was made.

MOTION: Move that we direct Ogden Murphy Wallace to provide a more definitive report on the cost and process of an appeal.
Robinson/Owel -

Discussion continued on performing an economic study of the effects of a toll on the community verses performing an economic analysis of the EIS to help in identifying the omissions and inadequacies of the FEIS. Councilmember Robinson withdrew the previous motion and replaced it with the following.

MOTION: Move to appeal the Final Environmental Impact Statement.
Robinson/Owel - a roll call vote was taken with the following results.

Councilmember Young - no; Councilmember Robinson - yes; Councilmember Owel - yes; Councilmember Dick - yes; Councilmember Picinich - no; Councilmember Ruffo - no. Mayor Wilbert voted yes to break the tie. The motion carried.

Councilmember Dick directed staff to engage Ogden Murphy Wallace to take the appropriate steps to move forward with the appeal.

Mayor Wilbert called a short recess at 9:32 p.m. The meeting resumed at 9:40 p.m. At this time, Councilmember Owel left the meeting.

Mayor Wilbert introduced Tim Payne, from Pierce Transit, to give a brief report on transit funding. Mr. Payne gave an overview of how Pierce Transit intended to utilize funding appropriated from the legislature to help the organization transition from the effects of I-695.

2. Second Reading of Ordinance - Wollochet Harbor Sewer District Franchise Agreement. Dave Skinner, Public Works Director, explained that changes had been made from the comments made at the last meeting and recommended approval.

MOTION: Move for adoption of Ordinance No. 844.
Young/Ruffo - unanimously approved.

3. Second Reading of Ordinance - Revisions to Concurrency Ordinance. Dave Skinner recommended approval of this ordinance making changes in typographical errors to the concurrency ordinance.

MOTION: Move for adoption of Ordinance No. 845.
Dick/Picinich - unanimously approved.

4. First Reading of Ordinance - Adopting Findings and Facts for the Continued Moratorium on PUDs & PRDs. Pat Iolavera, Interim Planning Director, explained that his ordinance adopts the findings and facts for continuing the moratorium that would allow the Planning Commission to develop a work plan, allow public participation, and address the problems with the PUDs and PRDs. This will return for a second reading at the next meeting.

NEW BUSINESS:

1. Contract Authorization - Well No. 3 Pump Replacement Project. Dave Skinner presented this contract to award the replacement of Well No. 3 pump and gave an overview of the project.

MOTION: Move to approve execution of the contract with Pump Tech Inc., in an amount not to exceed eighty-nine thousand four hundred fifteen dollars and thirty-six cents (\$89,415.36.)
Picinich/Robinson - unanimously approved.

2. Resolution - Authorizing ALEA Grant Funding for Scofield Property. Dave Skinner explained that this resolution was a requirement from the Department of Natural Resources for grant application for acquisition of the Scofield Tidelands property.

MOTION: Move for adoption of Resolution No. 555.
Young/Robinson - unanimously approved.

PUBLIC COMMENT/DISCUSSION:

Bruce Rogers - 2804 Harborview Drive. Mr. Rogers said he would like to speak on two issues. He presented the City with a decorative model on behalf of the Edgewater Condominiums in appreciation of the help they received from the Planning staff during their year and a half-long project to remodel the property. He then asked for an update on the progress of the Harborview Drive Street End project.

Dave Skinner explained that this was an expensive project, and reported that the project was scheduled for design funding in the upcoming year. He answered Council's questions about the project and why it had taken this long. Councilmembers voiced a desire to move forward on this project.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Young reported that he had just returned from the Association of Washington Cities Conference and that he had a great deal of information that could be utilized by the city. He said he would bring the information to the Council Retreat, and asked when that might be scheduled. After discussion, it was determined that Councilmember Ruffo would contact the City Clerk with dates he would be available to be coordinated with the other members.

STAFF REPORTS:

GHPD - May Statistics. No verbal report given.

ANNOUNCEMENT OF OTHER MEETINGS:

TEFRA Meeting on tax-free bonds at Goodman Middle School - 4pm to 8pm, Thursday, June 29th.

EXECUTIVE SESSION: For the purpose of discussing potential and pending litigation per RCW 42.30.110(i) and property acquisition per RCW 42.30.110(b). Action may be taken after the session.


MOTION: Move to adjourn to Executive Session at 10:25 p.m. for approximately 40 minutes for the purpose of discussing potential and pending litigation. Action may be taken after the session. Picinich/Ruffo - unanimously approved.

MOTION: Move to return to regular session at 11:07 p.m. Picinich/Ruffo - unanimously approved.

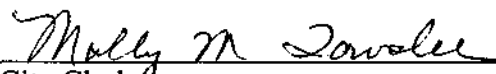
ADJOURN:

MOTION: Move to adjourn at 11:07 p.m. Picinich/Robinson - unanimously approved.

Cassette recorder utilized.
Tape 579 Side B 199 - end.
Tape 580 Both Sides.
Tape 581 Both Sides.
Tape 582 Side A 000 - end.
Tape 582 Side B 000 - 229.



Mayor



City Clerk