

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MARCH 2, 2004**

930 TACOMA AVENUE SOUTH, ROOM 1045
TACOMA, WASHINGTON 98402
(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018
www.co.pierce.wa.us/council

(Note: These minutes are not verbatim. Recorded tapes are available upon request.)

I. CALL TO ORDER

The regular meeting of the Pierce County Council was called to order at 3:03 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss, followed by a Moment of Silence in tribute to our men and women in the Military.

III. ROLL CALL

Councilmembers Present: Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, Dick Muri, and Kevin Wimsett. Shawn Bunney was excused.

Council Staff Present: Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Tom Weber, Administrator for Research and Policy; Carolyn Pendle, Research Analyst; and Steve Gross, Deputy Legal Counsel.

There were approximately 15 visitors present.

IV. APPROVAL OF AGENDA

Wimsett moved approval of the Agenda; motion seconded and passed on a voice vote.

V. CONSENT AGENDA

a. Approval of Minutes

- b. Action on Ordinances (refer, set date of hearing)
1. PROPOSAL NO. 2003-142s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO THE CITY OF TACOMA, DEPARTMENT OF PUBLIC UTILITIES, LIGHT DIVISION, DOING BUSINESS AS TACOMA POWER, OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC LINES ON CERTAIN RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
DO PASS AS SUBSTITUTED RECOMMENDATION - ECONOMIC AND INFRASTRUCTURE DEVELOPMENT COMMITTEE (Shawn Bunney, Chair; Terry Lee, Vice Chair; Dick Muri (nonvoting member); Calvin Goings, Member; Dick Muri, Member)
Suggested date of Council hearing: April 6, 2004
 2. PROPOSAL NO. 2004-13, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 18A.25 OF THE PIERCE COUNTY CODE, "ZONE CLASSIFICATIONS AND USE TABLES" TO ALLOW REGIONAL PARKS AS AN OUTRIGHT PERMITTED USE IN RURAL ACTIVITY CENTERS (RAC) ZONED CLASSIFICATIONS.
Sponsored by: Councilmember Calvin Goings
Contact person: Sean Gaffney, 798-2724
For referral to the Community Development Committee
 3. PROPOSAL NO. 2004-14, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH COUNCIL 2, WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, LOCAL 120 - DISTRICT COURT PROBATION; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.
Sponsored by: Councilmember Harold G. Moss
Contact person: Debbie Young, 798-7762
For referral to the Rules & Operations Committee
Suggested date of Council hearing: March 30, 2004
- c. Action on Resolutions (refer, set date of hearing)
- d. Other Items
1. Motion to certify the following Revised Budget Certification, and instruct the Clerk of the Council to forward the Revised Certification to the Pierce County Assessor-Treasurer's Office, pursuant to Revised Code of Washington (RCW) 84.52.020 and/or RCW 52.16.160 and Washington Administrative Code (WAC) 356-05-175:

Pierce County Fire District No. 13 (Revised)

Wimsett moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of six to zero.

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

1. A message from the Executive transmitting the following Ordinance, which was approved and signed on February 18, 2004, was read into the record:

ORDINANCE NO. 2004-1s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 168TH STREET EAST AND 130TH AVENUE EAST RIGHT-OF-WAY IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 4 EAST, OF THE WILLAMETTE MERIDIAN, IN THE SOUTH HILL AREA.

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS

PROPOSAL NO. R2004-39, A PROCLAMATION OF THE PIERCE COUNTY EXECUTIVE AND PIERCE COUNTY COUNCIL DECLARING MARCH 2, 2004, AS "READ ACROSS AMERICA DAY" IN PIERCE COUNTY, WASHINGTON.

Wimsett moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Lyle Quasim, Chief of Staff, encouraged County employees to participate in school tutoring programs and other community programs. He thanked the Council for the Proclamation.

Marilyn O'Malley Hicks, provided background information on the reading program and the late Dr. Suess. She presented the Councilmembers with Dr. Suess hats and glasses.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of six to zero.

VIII. ORDINANCES

PROPOSAL NO. 2003-122, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF FOSS COUNTY ROAD LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE KEY PENINSULA AREA.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Public Works Committee on January 13, 2004.

Bruce Duncan, Public Works & Utilities Department, provided background information on the Proposal, stating the property was acquired through a taxable closure. A 60-foot strip of land was reserved for OFS County road.

Public Testimony

Frank Rube spoke in support of the vacation.

The Proposal passed on a roll call vote of six to zero.

PROPOSAL NO. 2003-123, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO MASHELL TELECOM, INC., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Public Works Committee on January 13, 2004.

Duncan stated the Proposal is a renewal franchise to continue operations of the Pierce County right-of-way.

Public Testimony

Arne Hayes, President of Marshal Telecom, stated he appreciates the franchise, and 100% of their customers have high-speed data access. He asked the Council to approve the franchise.

The Proposal passed on a roll call vote of six to zero.

PROPOSAL NO. 2003-132, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 90-91 (GRANTING A FRANCHISE TO ELKHORN WATER DISTRICT) BY MAKING A TECHNICAL CORRECTION BY REVISING THE LEGAL DESCRIPTION.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Public Works Committee on January 13, 2004.

Duncan stated there was an oversight when the franchise was granted to Water District. The actual service area is greater than the boundary that was granted in the franchise. The Proposal makes the correction to include all the service area within the franchise.

Public Testimony

Aaron Kent, Elkhorn Water District Commissioner, requested the Council pass the Proposal.

The Proposal passed on a roll call vote of six to zero.

IX. RESOLUTIONS

PROPOSAL NO. R2004-38, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SETTING THE DATE OF AN EVENING COUNCIL MEETING IN COUNCIL DISTRICT NO. 5 FOR TUESDAY, MARCH 16, 2004, AT 5:30 P.M., IN THE PACIFIC LUTHERAN UNIVERSITY SCANDINAVIAN CULTURAL CENTER, UNIVERSITY CENTER BUILDING, CORNER OF 122ND STREET AND PARK AVENUE SOUTH, TACOMA, WASHINGTON.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record.

Gelman invited everyone to the District No. 5 meeting. At the meeting there will be a Resolution for Frosty Westering, and a presentation on the Pacific Avenue Corridor.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of six to zero.

PROPOSAL NO. R2004-17, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CALLING FOR AN ELECTION ON _____ FOR THE PURPOSES OF SUBMITTING TO THE AFFECTED VOTERS THE QUESTION OF WHETHER TO FORM A METROPOLITAN PARK DISTRICT WHOSE BOUNDARIES ARE COTERMINOUS WITH

THE BOUNDARIES OF THE KEY PENINSULA PARK AND RECREATION DISTRICT IN UNINCORPORATED PIERCE COUNTY, AND ON THE ELECTION OF THE FIVE INITIAL METROPOLITAN PARK COMMISSIONERS; AND REQUESTING THAT THE PROSECUTING ATTORNEY WRITE AN APPROPRIATE BALLOT TITLE.

Wimsett moved to continue the Proposal to March 23, 2004; motion seconded.

Lee asked for the continuance in order to bring the issue closer to the community, since March 23 is the District No. 7 Council meeting.

The Chair called for public testimony; there was no response. The Proposal was continued to March 23, 2004, on a roll call vote of six to zero.

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Wimsett moved to amend the March 9, 2004, Council meeting Agenda to add the following under Section VI., Messages From The Executive/Judges/Prosecuting Attorney:

"Report by County Executive John Ladenburg: Update - Lakewood Projects/Contracts".

The motion was seconded.

Weber stated the Executive will provide an update on parks,sewers, Sheriff, and contracts.

The Chair asked for testimony on the motion; there was no response. The motion passed on a voice vote.

At 3:29 p.m., the Chair announced the televised portion of the business meeting is concluded.

XI. GENERAL PUBLIC COMMENTS

1. Bruce Miner, Sheriff's Department, expressed concerns with working conditions at the new Pierce County jail facility, citing electrical, water and staffing problems. He requested that money be spent on jail improvements, not on the proposed golf course. Miner commented that he was told not to e-mail Goings, his representative, regarding the problems.

Moss asked to receive a jail condition report within one to two weeks.

2. Tish Andrese, Representing Pierce County Arts Commission, providing information on the Celebrate Legacy of the Northwest arts event, and asked for funding in the amount of \$2,500. A copy of her handout is contained in the Clerk's meeting file.
3. Aaron Kent expressed code enforcement and health concerns with a property in the Orting area. The photos he provided are contained in the Clerk's meeting file.

Pendle responded to Miner's comments, stating on Tuesday a jail update will be provided to the Public Safety and Human Services Committee, and Sheriff Paul Pastor will provide information on the Lakewood Precinct contract.

Goings commended Miner on his remarks, and encouraged him and other Corrections staff to attend the Committee meeting.

Gelman also encouraged Miner to attend the Committee meeting.

In response to Lee's question, Pendle stated that Sheriff Pastor will address Sheriff issues, and Chief Bisson will address jail issues at the Committee meeting.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:45 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

