

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
JANUARY 7, 2003**

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 3:00 p.m. by Chair Moss.

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

The pledge was led by Moss.

**III. ROLL CALL**

Councilmembers Present: Shawn Bunney, Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, Pat O'Malley, and Kevin Wimsett.

Council Staff Present: Gerri Johnson, Administrator/Clerks & Operations; Susan Long, Legal Counsel; and Tom Weber, Administrator/Research & Policy.

There were approximately 24 visitors present.

The Chair announced that because this was the last Council meeting for Councilmember O'Malley, he asked O'Malley to Chair the meeting; the gavel passed to O'Malley.

**IV. APPROVAL OF AGENDA**

Moss 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. 2002-132, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 14.16.030 OF THE PIERCE COUNTY CODE, "FEES", TO INCREASE CERTAIN FEES RELATED TO THE PIERCE COUNTY FAIR.  
Sponsored by: Councilmember Harold Moss

Contact person: Susan Long, 798-6068  
For referral to the Rules & Operations Committee

2. PROPOSAL NO. 2002-134, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO THE WASHINGTON STATE PARKS AND RECREATION COMMISSION FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

Sponsored by: Councilmember Pat O'Malley  
Contact person: Jerry West, 798-3687  
For referral to the Public Works Committee

3. PROPOSAL NO. 2002-135, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNIMPROVED 103RD STREET SOUTH (ASH STREET), IN SECTIONS 4 AND 5, TOWNSHIP 19 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, LOCATED IN THE PARKLAND AREA.

Sponsored by: Councilmember Pat O'Malley  
Contact person: Les Olsen, 798-3216  
For referral to the Public Works Committee

- c. Action on Resolutions (refer, set date of hearing)  
d. Other Items

Motion to certify the following Budget Certifications, and instruct the Clerk of the Council to forward the Certifications to the Pierce County Assessor-Treasurer's Office, pursuant to Revised Code of Washington 84.52.020:

- Carbonado Historical School District #19
- City of Bonney Lake
- City of Edgewood
- City of Fife
- City of Fircrest
- City of Lakewood
- City of Orting
- City of Pacific
- City of Roy
- City of Puyallup
- City of Tacoma (Cities/Towns)
- City of Tacoma (Emergency Medical Service & Cities/Towns)
- City of University Place
- Fire Protection District No. 2 (Emergency Medical Service & Fire Protection Districts)
- Fire Protection District No. 8 (Emergency Medical Service & Fire Protection Districts)
- Fire Protection District No. 11
- Fire Protection District No. 12 (Emergency Medical Service & Fire Protection Districts)
- Fire Protection District No. 13 (Emergency Medical Service & Fire Protection Districts)

- Fire Protection District No. 15 (Emergency Medical Service & Fire Protection Districts)
- Fire Protection District No. 16 (Emergency Medical Service & Fire Protection Districts)
- Fire Protection District No. 20 (Emergency Medical Service & Fire Protection Districts)
- Fire Protection District No. 21 (Emergency Medical Service & Fire Protection Districts)
- Fire Protection District No. 22 (Emergency Medical Service & Fire Protection Districts)
- Franklin Pierce School District
- Metropolitan Park District of Tacoma
- Port of Tacoma
- Puyallup School District
- Rural Library District
- South Prairie (Emergency Medical Services & Cities/Towns)
- Town of Ruston

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

**VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY**

1. A message from the Executive transmitting the following Ordinances, which were approved and signed on December 2, 2002, was read into the record:

ORDINANCE NO. 2002-104, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2000-105, BY AUTHORIZING AN INCREASE IN THE FILING FEE FOR MANDATORY ARBITRATION MATTERS; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 2002-105, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.112.010 OF THE PIERCE COUNTY CODE, PIERCE COUNTY AIRPORT FEES, BY AMENDING THE FEE SCHEDULES FOR HANGARS, TIE DOWNS, STORAGE SPACES, AND BUILDING AND LAND RENTAL LEASE RATES; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 2002-106, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 14.20 OF THE PIERCE COUNTY CODE "PARKS AND RECREATION SERVICES FEES", BY AMENDING FEE SCHEDULES, AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 2002-107s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTIONS 17C.60.34 "PERMIT REQUIRED"; 17C.60.035 "PERMIT FEES"; 17C60.095 "INSPECTION FEES"; AND 17C.10.070 "FEES"; REVISING FIRE PREVENTION BUREAU FEES FOR SERVICES; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 2002-108s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 2.05.040, 2.05.060, 2.05.070, 2.05.080, 2.05.090, 2.05.100, 2.05.110, 2.05.120, 2.05.130 OF THE PIERCE COUNTY CODE, PLANNING AND LAND SERVICES DEPARTMENT FEES; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 2002-109, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING WAGE ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES; AND AMENDING THE PIERCE COUNTY SALARY AND CLASSIFICATION PLAN.

ORDINANCE NO. 2002-111, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL SETTING THE 2003 AD VALOREM TAX LEVIES FOR PIERCE COUNTY FOR LEVY IN 2002 AND COLLECTION IN 2003.

2. A message from the Executive transmitting the following Ordinance, which was approved and signed on December 6, 2002, was read into the record:

ORDINANCE NO. 2002-112s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE ANNUAL BUDGET OF PIERCE COUNTY FOR THE FISCAL YEAR 2003.

3. A message from the Executive transmitting the following Ordinance, which was approved and signed on December 10, 2002, was read into the record:

ORDINANCE NO. 2002-94s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 18I.35, "RIGHT TO FARM PROTECTIONS", TO SUPPORT AND ENCOURAGE CONTINUED AGRICULTURAL OPERATIONS IN PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT.

4. A message from the Executive transmitting the following Ordinance, which was approved and signed on December 12, 2002, was read into the record:

ORDINANCE NO. 2002-114, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING THE PURCHASE OF CERTAIN PROPERTIES ADJACENT TO THE THUN FIELD AIRPORT; INCREASING THE 2002 BUDGET FOR THE AIRPORT FUND TO REFLECT THE PURCHASE; AND AUTHORIZING NECESSARY LOANS FROM THE EQUIPMENT RENTAL AND REVOLVING FUND TO THE AIRPORT FUND TO PROVIDE CASH FINANCING FOR THESE PURCHASES.

5. A message from the Executive transmitting the following Ordinances which were approved and signed on December 13, 2002, was read into the record:

ORDINANCE NO. 2002-58, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 2001-9 WHICH GRANTED A TELECOMMUNICATIONS FRANCHISE TO ELECTRIC LIGHTWAVE, INCORPORATED.

ORDINANCE NO. 2002-59, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 12.32 OF THE PIERCE COUNTY CODE, TO COMPLY WITH THE TELECOMMUNICATIONS ACT OF 1996, AS INTERPRETED BY THE NINTH CIRCUIT U. S. COURT OF APPEALS.

ORDINANCE NO. 2002-60, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 12.34 OF THE PIERCE COUNTY CODE, TO COMPLY WITH THE TELECOMMUNICATIONS ACT OF 1996, AS INTERPRETED BY THE NINTH CIRCUIT U. S. COURT OF APPEALS.

ORDINANCE NO. 2002-62, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE FOR ELECTRIC LIGHTWAVE, INC., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY IS 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 VIOLATIONS OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE AGREEMENT.

ORDINANCE NO. 2002-103, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.24 OF THE PIERCE COUNTY CODE, "PROBATION SERVICES", TO UPDATE THE LANGUAGE AND MAKE IT CONSISTENT WITH THE RECENT AMENDMENTS TO CHAPTER 2.54 OF THE PIERCE COUNTY CODE, "DISTRICT COURT DISTRICTING PLAN" AND THE CONSOLIDATED PIERCE COUNTY DISTRICT COURT SYSTEM; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 2002-117s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO AUSTIN L. WOLFF, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

ORDINANCE NO. 2002-118s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, AS AMENDED, INCREASING THE 2002 BUDGET FOR THE TACOMA-PIERCE COUNTY HEALTH DEPARTMENT.

ORDINANCE NO. 2002-124s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 8.88.460 B. OF THE PIERCE COUNTY CODE, REGARDING WATERCRAFT REGULATIONS FOR LAKE

TAPPS.

ORDINANCE NO. 2002-126, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, AS AMENDED, INCREASING THE 2002 BUDGET FOR THE DEPARTMENT OF ASSIGNED COUNSEL, THE FERRY SERVICES FUND, AND THE WORKERS' COMPENSATION FUND; ESTABLISHING THE LOW INCOME HOUSING FUND, AND PROVIDING A 2002 APPROPRIATION FOR THAT FUND.

ORDINANCE NO. 2002-130s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 4.48.010 OF THE PIERCE COUNTY CODE, "GENERAL FUND", PROHIBITING THE USE OF THE COUNTY GENERAL FUND FOR PUGET SOUND BEHAVIORAL HEALTH.

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

**PROPOSAL NO. R2002-137, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF KEVIN STOCK AS THE CLERK OF THE SUPERIOR COURT.**

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

Moss moved adoption of Council Amendment No. 1 as set forth in Attachment I to these minutes; motion seconded.

Staff Testimony

Long explained this amendment is being requested to delete language that is not needed in the Resolution.

The Chair called for public testimony; there was no response. The amendment passed on a voice vote.

John Ladenburg, County Executive, asked that the Council confirm this appointment of Kevin Stock, and provided a review of Stock's background and experience. Ladenburg stated Stock has been serving as Interim Clerk, and has been doing an outstanding job.

Public Testimony

Brian Sonntag and Ted Rutt spoke in support of Stock's appointment.

Stock thanked the Council for their support and confirmation of his appointment.

The Proposal passed as amended on a roll call vote of seven to

zero.

**PROPOSAL NO. R2002-139, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE EXISTING MEMBER TO THE SUMMIT-WALLER COMMUNITY ADVISORY COMMISSION. (JULIE DAHLEN)**

Moss moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of six to zero; Gelman was excused at the time of vote.

**VIII. ORDINANCES**

**PROPOSAL NO. 2002-97s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO ALDER MUTUAL LIGHT CO., INC., OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.**

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

Moss moved adoption of Council Amendment No. 1 as set forth in Attachment II to these minutes; motion seconded.

Staff Testimony

Weber explained this amendment is technical in nature, and inserts dates in the franchise, Exhibit "A".

The Chair called for public testimony; there was no response. The amendment passed on a voice vote.

Les Olsen, Public Works and Utilities Department, stated this Ordinance represents the renewal of an existing franchise for a period of 15 years. He stated the Public Works and Utilities Department supports the request.

The Chair called for public testimony; there was no response. The proposal passed as substituted and amended on a roll call vote of seven to zero.

**PROPOSAL NO. 2002-122, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING CERTAIN COUNTY-OWNED PERSONAL PROPERTY TO BE SURPLUS, AND AUTHORIZING THE SALE THEREOF. (VOTING EQUIPMENT)**

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

Staff Testimony

Michael Clark, Purchasing Agent/Budget and Finance Department, stated this Ordinance is being requested to allow the County to dispose of surplus property with a value in excess of \$25,000.

Pat McCarthy, County Auditor, stated that with the reduction in the number of precincts and voting places, there is now an excess of voting machines, and it is hoped that they can be sold to another jurisdiction. There are approximately 65 machines that are to be sold.

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

**PROPOSAL NO. 2002-127, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PROHIBITING THE DISCHARGE OF FIREARMS IN PORTIONS OF THE UNINCORPORATED AREAS OF SECTIONS 33 AND 34, TOWNSHIP 18, RANGE 2 EAST, AND SECTIONS 3 AND 4, TOWNSHIP 17, RANGE 2 EAST, IN PIERCE COUNTY IN THE ROY AREA.**

O'Malley moved that the Proposal be continued indefinitely to allow the Committee time to work out some issues that surfaced at the Committee hearing. Following a discussion, the motion passed on a voice vote.

**IX. RESOLUTIONS - None**

**X. OTHER BUSINESS/ANNOUNCEMENTS**

1. Moss moved to approve the Meeting Schedule for the week of January 13-17, 2003; motion seconded and passed on a voice vote.
2. Moss moved to approve the Council Meeting Agenda for January 14, 2003; motion seconded and passed on a voice vote.

**XI. GENERAL PUBLIC COMMENTS**

1. Councilmembers spoke their farewells to Councilmember Pat O'Malley, whose resignation will be effective January 10, 2003, to assume his new position as District Court Judge.

O'Malley thanked Staff and Council for their support, and contributions during his years of service.

Pierce County Council Meeting  
January 7, 2003

**XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at  
4:00 p.m.

Attest:

Gerri Johnson, Clerk of the Council

Approved:

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Councilmember Harold Moss, Council Chair

Date Approved

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