

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JANUARY 30, 2001**

930 TACOMA AVENUE SOUTH, ROOM 1045
TACOMA, WASHINGTON 98402
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(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 Brown.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Brown.

III. ROLL CALL

Councilmembers Present: Karen S. Biskey, Wendell Brown, Calvin Goings, Harold Moss, Pat O'Malley, Jan Shabro, and Kevin Wimsett.

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

There were approximately 14 visitors present.

IV. APPROVAL OF AGENDA

Moss moved approval of the Agenda; motion seconded and passed.

V. CONSENT AGENDA

a. Approval of Minutes

1. The minutes of the January 2, 2001, regular Council meeting.
2. The minutes of the January 9, 2001, regular Council meeting.

b. Action on Ordinances (refer, set date of hearing)

1. PROPOSAL NO. 2000-106s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO PARKLAND LIGHT AND WATER COMPANY, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE AND ESTABLISHING AN EFFECTIVE DATE OF THE ORDINANCE.

Pierce County Council Meeting
January 30, 2001

Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687

DO PASS AS SUBSTITUTED RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Jan Shabro, Vice Chair; Calvin Goings, Member)

Suggested date of Council hearing: February 20, 2001

2. PROPOSAL NO. 2000-107s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO PARKLAND LIGHT AND WATER COMPANY, OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC LINES ON CERTAIN COUNTY-OWNED RIGHT-OF-WAYS; AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE AND ESTABLISHING AN EFFECTIVE DATE OF THE ORDINANCE.

Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687

DO PASS AS SUBSTITUTED RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Jan Shabro, Vice Chair; Calvin Goings, Member)

Suggested date of Council hearing: February 20, 2001

3. PROPOSAL NO. 2000-111, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO OHOP MUTUAL LIGHT COMPANY, INC., A WASHINGTON CORPORATION OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY.

Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687

DO PASS AS AMENDED RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Jan Shabro, Vice Chair; Calvin Goings, Member)

Suggested date of Council hearing: February 20, 2001

4. PROPOSAL NO. 2000-117, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO ELMHURST MUTUAL POWER & LIGHT COMPANY, A WASHINGTON CORPORATION OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY.

Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687

DO PASS AS AMENDED RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Jan Shabro, Vice Chair; Calvin Goings, Member)

Suggested date of Council hearing: February 20, 2001

5. PROPOSAL NO. 2000-118, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO PUBLIC UTILITY DISTRICT NO. ONE OF LEWIS COUNTY, A PUBLIC UTILITY OF THE STATE OF WASHINGTON, FOR LOCATION OF ELECTRIC LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY.
Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687
DO PASS AS AMENDED RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Jan Shabro, Vice Chair; Calvin Goings, Member)
Suggested date of Council hearing: February 20, 2001
 6. PROPOSAL NO. 2001-4, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNDEVELOPED 364TH STREET EAST RIGHT-OF-WAY, IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE EATONVILLE AREA.
Sponsored by: Councilmember Harold Moss
Contact person: Jennifer Andres, 798-7250
For referral to the Public Works Committee
 7. PROPOSAL NO. 2001-5, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2000-93s2, APPROPRIATING ADDITIONAL FUNDS FOR THE TACOMA-PIERCE COUNTY HEALTH DEPARTMENT AND FOR THE PLANNING AND LAND SERVICES DEPARTMENT; AND REALLOCATING APPROPRIATED FUNDS BETWEEN THE CORRECTIONS AND DISTRICT COURT PROBATION DEPARTMENTS.
Sponsored by: Councilmembers Wendell Brown and Karen S. Biskey, and Calvin Goings
Contact person: Michael Transue, 798-4286
For referral to the Rules and Operations Committee
 8. PROPOSAL NO. 2001-6, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW SECTION 3.52.085 OF THE PIERCE COUNTY CODE, "EMPLOYEE INCENTIVE AND RECOGNITION."
Sponsored by: Councilmember Wendell Brown
Contact person: Robert H. Weaver, 798-7469
For referral to the Rules and Operations Committee
- c. Action on Resolutions (refer, set date of hearing)
1. PROPOSAL NO. R2001-9, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING AMENDMENTS TO THE COMPREHENSIVE PLAN FOR PIERCE COUNTY FOR 2001; CONFIRMING THE INITIATION OF AMENDMENTS BY THE CITIES AND TOWNS; CONFIRMING THE INITIATION OF

AMENDMENTS BY THE COUNTY EXECUTIVE; AND REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT TO CONDUCT AN ENVIRONMENTAL REVIEW AND EVALUATION OF THE INITIATED AMENDMENTS, AND FORWARD THE ASSOCIATED REPORTS TO THE PLANNING COMMISSION, LAND USE ADVISORY COMMISSIONS, AND THE PIERCE COUNTY REGIONAL COUNCIL FOR THEIR REVIEW AND RECOMMENDATION BACK TO THE COUNTY COUNCIL.

Sponsored by: Councilmember Karen S. Biskey

Contact person: Anna Graham, 798-6253

For referral to the Planning and Environment Committee

Suggested date of Council hearing: February 27, 2001

d. Other Items

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 January 19, 2001, was read into the record:

ORDINANCE NO. 2000-103, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PLACING THE ATKINSON FARMSTEAD WHICH IS LOCATED AT 16127 FOREST CANYON ROAD EAST IN SUMNER, WASHINGTON, ON THE PIERCE COUNTY REGISTER OF HISTORIC PLACES; AND ADOPTING FINDINGS OF FACT. (PARCEL NO. 0520074031)

ORDINANCE NO. 2000-105, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ESTABLISHING AND AUTHORIZING THE COLLECTION OF A FILING FEE FOR MANDATORY ARBITRATION MATTERS; AND SETTING AN EFFECTIVE DATE.

2. Rainwater stated a document had been delivered to the Council office prior to the Council meeting in the matter of Teamsters Union Local 599 vs. Pierce County. As a part of the judge's conclusions of law and order, there was a requirement that a portion of the document be read into the record at the Council meeting, and that the order and notice be attached to the minutes of the meeting. The Clerk's so read the documentation; a copy is attached to the minutes and is contained in the Clerk's meeting file.

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

PROPOSAL NO. R2001-11, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE PROCLAIMING THE MONTH OF FEBRUARY 2001 AS "BLACK HISTORY MONTH" IN PIERCE COUNTY, WASHINGTON.

Moss moved adoption; motion seconded. The Clerk read the Proclamation into the record. Moss, O'Malley, and Brown spoke to the importance of Black History Month, and encouraged individuals to participate in the month-long activities that would be taking place.

Brown presented the Proclamation to Moss; it is to be read at several celebrations. The Proposal passed on a roll call vote of seven to zero.

VIII. ORDINANCES

PROPOSAL NO. 2000-98, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNDEVELOPED 40TH AVENUE EAST RIGHT-OF-WAY, WHICH IS ALSO KNOWN AS PENNSYLVANIA AVENUE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE PUYALLUP AREA.

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

Staff Testimony

Jennifer Andres, Public Works and Utilities Department, stated this proposed vacation represents 330 feet of undeveloped County-owned right-of-way that is not needed in the County road system. She stated the property has not been maintained, and, therefore, is to be vacated for administrative costs only.

Public Testimony

Louise Batchelor stated the County should sell this property and use the money to help people pay their utility bills.

Andres responded that the right-of-way may not be sold, and is not tax-titled property. According to State statute, it may be vacated to adjacent property owners.

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

IX. RESOLUTIONS

PROPOSAL NO. R2001-4, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO EXECUTE REVISED INTERLOCAL AGREEMENTS WITH THE CITIES AND TOWNS OF PIERCE COUNTY, ENDORSING THE YEAR 2000 TACOMA-PIERCE COUNTY SOLID WASTE MANAGEMENT PLAN AND COMMITTING THE MUNICIPALITIES TO THE COUNTY'S DISPOSAL SYSTEM.

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

Following extensive dialogue between Council and staff, Shabro moved that this Proposal be continued to the February 6, 2001, Council meeting; motion seconded and passed.

PROPOSAL NO. R2001-5, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO EXECUTE A HOUSING AUTHORITY COOPERATIVE AGREEMENT ON BEHALF OF PIERCE COUNTY, WITH THE CITY OF TACOMA AND THE PUYALLUP TRIBE OF INDIANS.

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

Staff Testimony

Bob Dick, Prosecuting Attorney's Office, provided an overview of the effects of this Resolution, stating it would allow the Puyallup Tribe to utilize the provisions of RCW 35.82, the Housing Cooperation Act. It would permit use by the Puyallup Tribe of the provisions of the Federal Native American Housing Assistance and Self-Determination Act by entering into a cooperative agreement with the Puyallup Tribe, the City of Tacoma, and Pierce County. He stated that although there are no immediate plans for housing authorities in the unincorporated areas of Pierce County, this agreement would not preclude it. Dick stated that there is a review period set forth in the provisions of the interlocal agreement.

Public Testimony

Louise Batchelor asked why this matter is not being handled by the Bureau of Indian Affairs, stating that they should have jurisdiction.

Staff Testimony

In response to Goings' concern that the County be notified of any proposed changes that would allow housing agreements in the unincorporated areas of Pierce County, George Walk, Director of Government Relations, stated his Department would be the lead agency, and they would ensure that the Council be so notified.

Moss moved Committee Amendment No. 1 that substituted a new Exhibit "A"; motion seconded and passed.

The Chair called for public testimony on R2001-5 as amended; there was no response. The Proposal passed as amended on a roll call vote of seven to zero.

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Moss moved to certify the following budget certifications, and instructed 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; motion seconded and passed:
 - a. City of Tacoma (Emergency Medical Service and Cities/Towns -- amended)
2. Moss moved to change the Planning and Environment Committee meeting time on February 7, 2001, to start at 12:30 p.m., and to add a Criminal Justice Task Force meeting on February 5, 2001, at 4:30 p.m.; motion seconded and passed.

XI. GENERAL PUBLIC COMMENTS

1. Louise Batchelor expressed a concern regarding increased prices in electricity.
2. Andrew Leaf urged the Council to look at alternatives to incarceration for methamphetamine users.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:35 p.m.

Attest:

Clerk of the Council

Approved:

Council Chair

Date Approved