

**MINUTES
PIERCE COUNTY COUNCIL MEETING
FEBRUARY 8, 2000**

930 TACOMA AVENUE SOUTH, ROOM 1045
TACOMA, WASHINGTON 98402
(253) 798-7777 -- FAX: (253) 798-7509 --TDD: (253) 798-4018

(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 3:02 p.m. by Chair Casada.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Casada.

III. ROLL CALL

Councilmembers Present: Karen S. Biskey, Wendell Brown, Sarah Casada, Ken Madsen, Harold Moss, Pat O'Malley, and Jan Shabro.

Council Staff Present: Sandy Bassett, Deputy Clerk; Anna Graham, Research Analyst; Susan Long, Legal Counsel; and Tom Weber, Administrator/Research & Policy.

There were approximately 10 visitors present.

IV. APPROVAL OF AGENDA

The agenda was approved as presented.

V. CONSENT AGENDA

- a. Approval of Minutes
 - 1. The minutes of the November 23, 1999, regular Council meeting.
 - 2. The minutes of the January 11, 2000, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
 - 1. PROPOSAL NO. 99-134, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING A LOAN OF UP TO ONE MILLION DOLLARS FROM THE SEWER FACILITY RESTRICTED RESERVE FUND TO THE WATER UTILITY FUND, PURSUANT TO SECTIONS 4.48.060 AND 7.10.040 OF THE PIERCE COUNTY CODE; AND SETTING FORTH TERMS FOR REPAYMENT OF THE LOAN.
Sponsored by: Councilmember Jan Shabro
Contact person: Tony Tipton, 798-4250

DO PASS RECOMMENDATION - RULES COMMITTEE (Sarah Casada, Chair; Wendell Brown; Karen S. Biskey; Harold Moss/excused; Jan Shabro)
Suggested date of Council hearing: February 22, 2000

2. PROPOSAL NO. 2000-4, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO PUGET SOUND ENERGY, FOR LOCATION OF GAS PIPELINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.
Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687
For referral to the Rules Committee
To be heard by the Rules Committee on February 14, 2000

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

Brown 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 - None.

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

PROPOSAL NO. R2000-14, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF TACOMA CITY COUNCILMEMBER KEVIN PHELPS TO THE SOUND TRANSIT BOARD.

Brown moved adoption; motion seconded. The Clerk read the title into the record. Shabro and Brown both commented that Phelps was a good choice for this Board. The Chair called for public testimony; there was none. Proposal No. R2000-14 passed on a roll call vote of seven to zero.

VIII. ORDINANCES

PROPOSAL NO. 99-128, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATING TO TWENTY-SIX PARCELS OF COUNTY-OWNED REAL PROPERTY PURCHASED FROM FEDERAL DISASTER RELIEF FUNDS AND LOCATED IN FLOOD PLAINS THAT HAVE BEEN DECLARED TO BE FEDERAL DISASTER AREAS; DECLARING AS SURPLUS THOSE FOUR PARCELS OF COUNTY-OWNED REAL PROPERTY VALUED AT OR IN EXCESS OF \$25,000.00; AUTHORIZING THE COUNTY EXECUTIVE TO DISPOSE OF THOSE FOUR PARCELS OF COUNTY-OWNED REAL PROPERTY VALUED AT OR OVER \$25,000.00 BY GIFTING THEM TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, AND THE NISQUALLY RIVER TRUST FOR PERPETUAL USE AS OPEN SPACE, CONSISTENT WITH ENUMERATED CONDITIONS OF PROPERTY USE; AND APPROVING THE COUNTY EXECUTIVE'S PLAN TO GIFT THE REMAINING TWENTY-TWO SURPLUS PARCELS, ALL VALUED AT LESS THAN \$25,000.00, TO THE MCKENNA WATER DISTRICT AND THE NISQUALLY RIVER TRUST FOR PERPETUAL USE AS OPEN SPACE, CONSISTENT WITH ENUMERATED CONDITIONS OF PROPERTY USE.

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

Staff Testimony:

Dave Shirer, Department of Community Services, explained the Proposal. He said the Department has surveyed the County and other public entities in an effort to assign ownership. Shirer outlined how the properties were to be distributed and how those entities planned to use them. He indicated that some homeowners had expressed an interest in acquiring the property. Because the land was purchased with federal money, there are several requirements for its use. Shirer responded to questions from Councilmembers.

Shabro said she remembers the devastation caused by the 1996 floods and feels that leaving the property as open space where the rivers can meander and people are kept safe is the only option in this situation.

Public Testimony:

Louise Bachelor said some property should be kept and not used at all.

Jim Davis, McKenna Water District, said the community itself has already taken over the property that the Water District is to receive and is working to protect it. He said the District debated whether or not they should accept the property, but they were impressed by the community support.

George Walter, President of the Nisqually River Basin Land Trust, said the group is a non-profit, tax exempt organization that provides a long-term effort to enhance the Nisqually River corridor. They have 232 acres of land to date. He said the property that is proposed to be gifted to them is of significant benefit as a riparian and salmon habitat. He said plans call for the property to be open for foot traffic only and will include parking areas, fencing, trails, and gated access. He noted that the correct name of their organization is the Nisqually River Basin Land Trust not the Nisqually River Trust as the Proposal indicates.

Brown moved to change the name from the Nisqually River Trust to the Nisqually River Basin Land Trust wherever it appears in the Proposal. The motion was seconded. The Chair called for public testimony; there was none. The motion passed on a voice vote.

Brown moved Council Amendment No. 1 on the blue dated December 14, 1999 (see Attachment 1 to these minutes); motion seconded. Brown read the amendment into the record. The Chair called for public testimony; there was none. The motion passed on a voice vote.

Brown moved Council Amendment No. 2B on the yellow dated February 8, 2000 (see Attachment 2 to these minutes). Brown read the amendment and the motion was seconded. It was noted that Council Amendment No. 2 contained in the packets was replaced by Amendment 2B. The Chair called for public testimony; there was none. The motion passed on a voice vote.

Shirer and Dave Soma responded to questions from Councilmembers concerning restrictions on the land, leasing possibilities, liability issues, and Endangered Species Act restrictions.

O'Malley asked Walter what would happen if the Trust were to dissolve. Walter said the group would be required by both the Internal Revenue Service and their articles of incorporation to find a like recipient for the property.

Public Testimony:

Louise Bachelor said the Trust sounds good. She said the County should make sure livestock is not kept on the land.

Proposal No. 99-128 as amended passed on a roll call vote

of seven to zero.

IX. RESOLUTIONS - None.

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Brown moved to amend the February 15, 2000, Council Meeting Agenda by adding Item 1 under Section VII - Proclamations, Awards, and/or Appointments to Boards and Commissions. The item to be added is: Proposal No. R2000-13, a Resolution of the Pierce County Executive and Pierce County Council honoring four area employers for being leaders in Pierce County's Commute Trip Reduction efforts. For final consideration. The motion was seconded. The motion passed on a voice vote. The Chair called for public testimony; there was no response.
2. The Chair read the Clerk's note into the record. Clerk's Note: In the process of archiving minutes files, it was discovered that minutes of the February 12, September 25 and September 26, 1991, Council meetings were not entered nor approved. These minutes have been created through my review of the tapes and notes from the meeting, and they are being entered into the record at this time. Copies are available for review and comment. The Chair called for public testimony; there was none. The Chair called for a vote on the changes, which were approved on a voice vote.

XI. GENERAL PUBLIC COMMENTS

1. Louise Bachelor expressed her concerns about the loan to the Water Utility Fund as proposed in Proposal No. 99-134 that is included on the Consent Agenda.

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XI. ADJOURNMENT

There being no further business, the meeting was adjourned
at 3:55 p.m.

Attest:

_____/s/_____
Clerk of the Council

Approved:

_____/s/_____
Council Chair

____1/29/00_____
Date Approved

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