

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MARCH 19, 2002**

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

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

There were approximately 27 visitors present.

IV. APPROVAL OF AGENDA

O'Malley moved approval of the Agenda; motion seconded and passed.

RECONSIDERATION OF ORDINANCE NO. 2001-44s2, PROPOSAL NO. 2001-44s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING THE GIG HARBOR COMMUNITY COMPREHENSIVE PLAN (CHAPTER 19B.10 PIERCE COUNTY CODE); ADOPTING A NEW CHAPTER 19B.10 OF THE PIERCE COUNTY CODE, THE GIG HARBOR PENINSULA COMMUNITY PLAN; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

Having voted on the prevailing side, O'Malley moved to reconsider Proposal No. 2001-44s2 for the purpose of an amendment; motion seconded and passed.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record. O'Malley stated on reconsideration he would move an amendment to delete Finding #42; motion seconded.

Staff Testimony

Graham stated this Finding had been amended out of Exhibit "C" at the Committee hearing; however, that amendment did not get included in the Substitute.

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

V. CONSENT AGENDA

- a. Approval of Minutes
 1. The minutes of the January 15, 2002, regular Council meeting.
 2. The minutes of the January 22, 2002, regular Council meeting.
 3. The minutes of the January 29, 2002, regular Council meeting.
 4. The minutes of the February 12, 2002, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
 1. PROPOSAL NO. 2002-9, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, BY ADDING A PROVISIO FOR A FISH STOCKING PROGRAM TO THE PARKS AND RECREATION SERVICES DEPARTMENT'S BUDGET.
Sponsored by: Councilmember Jan Shabro
Contact person: Thomas Weber, 798-6067
DO PASS AS AMENDED RECOMMENDATION - RULES & OPERATIONS COMMITTEE (Harold Moss, Chair; Pat O'Malley, Vice Chair; Wendell Brown, Member/excused)
Suggested date of Council hearing: April 16, 2002
 2. PROPOSAL NO. 2002-27, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH PIERCE COUNTY DEPUTY SHERIFFS' INDEPENDENT GUILD, LOCAL NO. 1889; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.
Sponsored by: Councilmember Wendell Brown
Contact person: Joe Carrillo, 798-6690
For referral to the Rules & Operations Committee
Suggested date of Council hearing: April 2, 2002
 3. PROPOSAL NO. 2002-28, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2002-3s, WHICH CREATED THE FILUCY BAY WATERSHED PROTECTION DISTRICT,

BY INCORPORATING A NEW EXHIBIT "B" TO THE ORDINANCE, WHICH IS ENTITLED "FILUCY BAY CLOSURE RESPONSE MATRIX."

Sponsored by: Councilmember Karen S. Biskey
Contact person: Gerri Rainwater, 798-7579

For referral to the Rules & Operations Committee
(To be heard in the Rules & Operations Committee on April 1, 2002)

Suggested date of Council hearing: April 2, 2002

c. Action on Resolutions (refer, set date of hearing)

1. PROPOSAL NO. R2002-30, A RESOLUTION OF THE PIERCE COUNTY COUNCIL RATIFYING, AS REQUIRED BY PIERCE COUNTY CODE 2.110.120, THE SALE OF A PORTION OF SURPLUS COUNTY-OWNED REAL PROPERTY, WHICH IS LOCATED AT 1304 PACIFIC AVENUE IN TACOMA, WASHINGTON. (A PORTION OF THE PROPERTY IS COMMONLY KNOWN AS THE PACIFIC BLOCK PROPERTY)

Sponsored by: Councilmember Harold Moss
Contact person: Suzanne Hedlund, 798-6880

For referral to the Rules & Operations Committee

Suggested date of Council hearing: April 9, 2002

d. Other Items

O'Malley 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. R2002-27, A PROCLAMATION OF THE PIERCE COUNTY EXECUTIVE AND PIERCE COUNTY COUNCIL DECLARING THE DAY OF MARCH 1, 2002 AS "READ ACROSS AMERICA DAY" IN PIERCE COUNTY, WASHINGTON.

O'Malley moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Public Testimony

Theresa Tommaney, Tacoma Education Association, accepted the Proclamation, and thanked the Council for their recognition. Tommaney presented the Council with a Dr. Suess Cat in the Hat hats in celebration of Dr. Suess' birthday.

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

PROPOSAL NO. R2002-28, A PROCLAMATION OF THE PIERCE COUNTY EXECUTIVE AND PIERCE COUNTY COUNCIL DECLARING MARCH 2002 AS AMERICAN RED CROSS MONTH IN PIERCE COUNTY, WASHINGTON.

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O'Malley moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Public Testimony

Tom Valentine, Chair of the Board, and Carrie Cirritto, Executive Director of the American Red Cross, accepted the Proclamation, and thanked the Council for their recognition.

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

Washington Chapter of the American Society of Landscape Architects Presents the "Peoples Choice" Award to Pierce County.

Len Zickler, AHBL, presented the award to County Executive John Ladenburg.

PROPOSAL NO. R2002-29, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF TWO NEW MEMBERS TO THE PIERCE COUNTY PERSONNEL BOARD. (LEWIS L. ELLSWORTH AND BERNICE MOREHEAD)

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Betsy Sawyers, Director, Personnel Department, stated there have been two vacancies on the Pierce County Personnel Board, 10 applications were reviewed, and Sawyers supports the confirmation of the appointment of Ellsworth and Morehead.

The Chair called for public testimony; there was none. The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. R2002-31, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER, AND THE REAPPOINTMENT OF ONE EXISTING MEMBER, TO THE MENTAL HEALTH ADVISORY BOARD. (GAIL FINK AND ANNA CALDWELL)

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

The Chair called for public testimony; there was none. The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. R2002-32, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE RECOGNIZING WASHINGTON STATE'S CLASS 4A BOYS BASKETBALL CHAMPIONS, THE LINCOLN ABES; AND PROCLAIMING THE MONTH OF MARCH 2002, AS "LINCOLN HIGH SCHOOL MONTH" IN PIERCE COUNTY, WASHINGTON.

O'Malley moved that Proposal R2002-32 be deferred until later in the Agenda, as the recipients for this Proclamation were not yet at the meeting; motion seconded and passed.

VIII. ORDINANCES

PROPOSAL NO. 2001-110, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING AN UNIMPROVED ALLEY WAY IN THE PLAT OF HYADA PARK, LOCATED IN THE NORTHEAST TACOMA AREA IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Jennifer Andres, Public Works and Utilities Department stated that this property had been dedicated to the County, and contains a 480x7-foot strip. It is located in the 600 block of Hyada Park. She stated 100% of the adjacent property owners have signed the petition, and since the road has not been maintained by the County nor is needed in the road system, the Department supports the request to vacant.

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

PROPOSAL NO. 2002-1, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 64TH STREET EAST, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20 AND THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN THE SUMNER AREA.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Andres stated further work was needed on this vacation request, and asked that the Council continue the matter to March 26, 2002. O'Malley moved to continue; motion seconded and passed.

PROPOSAL NO. 2000-4s, 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.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Andres stated passage of this Ordinance would be a renewal of the franchise that expired in the year 2000. In response to Brown's question as to whether or not the long delay in the request for renewal was connected to a recent gas pipeline event in Bellingham. Andres stated that was not the case, but it was held up because of some insurance issues that had not been resolved. She stated the Risk Management Department now approves adoption.

Public Testimony

Gary Nomensen, Puget Sound Energy, thanked the County for their support in renewing this franchise. He stated it represents 8,000 customers in Pierce County, and that Puget Sound Energy pays in excess of \$6 million in property taxes each year.

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

PROPOSAL NO. 2002-6, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.64.040 OF THE PIERCE COUNTY CODE, "JURISDICTION AND AUTHORITY", ADJUSTING THE JURISDICTIONAL BOUNDARIES OF THE FREDERICKSON ADVISORY COMMISSION.

O'Malley moved that the Proposal be continued to May 21, 2002; motion seconded and passed.

IX. RESOLUTIONS

PROPOSAL NO. R2001-189s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF BONNEY LAKE, FOR THE TRANSFER OF A PORTION OF THE COUNTY'S SANITARY SEWER SYSTEM TO THE CITY.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Brian Stacy, Public Works and Utilities Department, stated Pierce County and Bonney Lake currently maintain and support sewer systems in the Plateau area that are piped to Sumner where each maintains a capacity. He stated adoption of this Resolution would approve the execution of an agreement that would transfer a portion of the County's sewer system on the Bonney Lake Plateau to the City of Bonney Lake. The City will pay in excess of \$1 million for unused capacity at the Sumner Waste Water Treatment Plant, and assume responsibility for providing service to the County's existing customers, and the County's UGS that qualified for sewer service.

Public Testimony

Bob Young, Mayor of Bonney Lake, spoke in support of the Ordinance.

Seth Boettcher, Bonney Lake Public Works Director, stated this transfer would simplify the administration of contracts for services, and eliminate duplications.

Mark Baumgarten, Sumner School District, spoke in support, stating a new school in the area is in Phase I, and this service would be beneficial. He thanked the County for their cooperation with the other entities involved in granting this agreement.

Staff Testimony

Weber pointed out that Exhibit "B" was not contained in Councilmembers' packets. O'Malley moved that Exhibit "B" be incorporated; motion seconded and passed.

Public Testimony

John Erickson, Architect for the new school, stated the site work needs to begin within the next six weeks, and urged that the Council not delay passage of this Ordinance.

Michael Nelson asked if citizens can choose between the two current systems. Stacy responded that is not an option as each entity has their own service area.

In response to Biskey's question as to whether or not this will allow the City of Bonney Lake to impose an utility tax on citizens in unincorporated Pierce County, Stacy replied in the affirmative. Biskey then stated she will be unable to support the Resolution for that reason.

Brown stated a concern that the citizens will be experiencing a 15% increase in their utility rates, and asked what notification had been provided to the citizens. Stacy stated a letter was sent to everyone notifying them that the increase would be from \$20 to \$37.50.

The Proposal passed as amended on a roll call vote of four to three; Biskey, Goings, and Wimsett voted no.

PROPOSAL NO. R2002-32, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE RECOGNIZING WASHINGTON STATE'S CLASS 4A BOYS BASKETBALL CHAMPIONS, THE LINCOLN ABES; AND PROCLAIMING THE MONTH OF MARCH 2002, AS "LINCOLN HIGH SCHOOL MONTH" IN PIERCE COUNTY, WASHINGTON.

O'Malley moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Public Testimony

Coach Tim Kelly accepted the Proclamation, and thanked the Council for their recognition. He introduced the players, managers, and coaches.

Councilmembers commended the Lincoln Abes for bringing this honor to Tacoma and Pierce County.

PROPOSAL NO. R2002-12, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING THE PROCESS FOR AMENDING TITLES 18, 18A, AND 18E OF THE PIERCE COUNTY CODE DEVELOPMENT REGULATIONS; REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT TO DEVELOP PROPOSED AMENDMENTS TO ALLOW THE SITING OF SCHOOLS AND OTHER CRITICAL FACILITIES IN VOLCANIC HAZARD AREAS WHEN LIFE SAFETY ISSUES CAN BE ADEQUATELY ADDRESSED; REFERRING THESE AMENDMENTS TO THE PLANNING COMMISSION

AND APPROPRIATE LAND USE ADVISORY COMMISSIONS; AND SETTING A DATE FOR THE PLANNING COMMISSION TO SUBMIT ITS REPORT AND RECOMMENDATION TO THE COUNCIL.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

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

Shabro stated she had sponsored this Resolution to initiate discussion as to whether or not the County would provide exceptions for siting certain critical facilities, such as schools, in a volcanic hazard area when life safety issues can be adequately addressed.

Public Testimony

Sandra McCord, Orting School District Superintendent, spoke in support of the Resolution, stating it's the District's safest site to expediently evacuate students to safety in the event of a volcano eruption. A copy of McCord's written comments is contained in the Resolution file.

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

PROPOSAL NO. R2002-24, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SETTING THE DATE OF AN EVENING COUNCIL MEETING IN COUNCIL DISTRICT NO. 3, FOR TUESDAY, APRIL 30, 2002, IN THE SPANAWAY LAKE HIGH SCHOOL AUDITORIUM, LOCATED AT 1305 - 168TH STREET EAST, SPANAWAY, WASHINGTON.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

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

Wimsett stated he had requested this amendment as there was a conflict in scheduling with the Spanaway Lake High School, and urged Council's approval.

The amendment passed.

The Chair called for public testimony; there was no response. The Proposal passed as amended on a roll call vote of six to zero; Shabro was excused.

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS

Michael Nelson spoke of concerns he has with the minimum wage law, and how it affects homeless people.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:18 p.m.

Attest:

/s/
Gerri Rainwater, Clerk of the Council

Approved:

/s/
Harold Moss, Council Chair

4/30/02
Date Approved