

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MARCH 20, 2001**

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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: Gerri Rainwater, Administrator /Clerks & Operations; Susan Long, Legal Counsel; Carolyn Pendle, Research Analyst; and Tom Weber, Administrator /Research & Policy; Anna Graham, Research Analyst; Michael Transue, Budget Consultant; Shawn Bunney, Research Analyst; and Sandy Bassett, Deputy Clerk.

There were approximately 35 visitors present.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

- a. Approval of Minutes
- b. Action on Ordinances (refer, set date of hearing)
- c. Action on Resolutions (refer, set date of hearing)
- 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. Message from the Executive regarding the change in ownership of Land Recovery, Inc. (LRI) and the Executive's analysis and approval of the new owners, LRI's reorganization, and its ability to carry out the terms of the 1998 Waste Handling Agreement.

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

RESOLUTION NO. R2001-48, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE RECOGNIZING WASHINGTON STATE'S CLASS 4A BOYS BASKETBALL CHAMPIONS, THE LINCOLN ABES; AND PROCLAIMING THE DAY OF MARCH 20, 2001, AS "LINCOLN HIGH SCHOOL DAY" IN PIERCE COUNTY, WASHINGTON.

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

The Principal, coaches and members of the basketball team from Lincoln High School accepted the Proclamation and thanked the Council for their recognition.

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

VIII. ORDINANCES

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.

Moss moved that the Proposal be continued to April 3, 2001, Council Meeting; motion seconded and passed on a voice vote.

PROPOSAL NO. 2001-5s, 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.

(A verbatim transcript of this portion of the meeting was prepared. A copy is attached to these minutes as Attachment I.)
(Sandy Bassett replaced Gerri Rainwater as Clerk for this meeting at 4:25 p.m.)

Public Testimony:

Laura Roberts, Frederickson Community Planning Board member, spoke in support of the amendment. She praised their Board's Planning Staff member Hugh Taylor.

Louise Batchelor suggested limiting subdivisions and having sewers put in when subdivisions go in.

The motion on Council Amendment No. 1 dated February 22, 2001, (Attachment II to these minutes) failed on a voice vote. The Chair called for testimony on Proposal No. 2001-5s.

O'Malley questioned Kenney about the County's reserve funds. Kenney said there are some major expenses facing the County with the new jail and its operation expenses. Kenney said Pierce County has a fund balance goal of five to eight percent; currently the County is a bit over eight percent. Kenney said there is no recommended fund balance level. Goings asked Kenney to provide the Council with a memo outlining what the ending fund balance is currently and what 5-8% would look like and what the planned commitments that Kenney alluded to might be over the next few years.

Proposal No. 2001-5s passed on a roll call vote of six to zero.

PROPOSAL NO. 2001-7, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING THE TRANSFER OF CERTAIN SANITARY SEWER FRANCHISE OWNERSHIP FROM WOLLOCHET HARBOR CLUB, INC., TO WOLLOCHET HARBOR SEWER DISTRICT; AND AMENDING THE FRANCHISE BOUNDARY AREA.

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

Staff Testimony:

Jennifer Andres, Public Works & Utilities Right-of-Way Agent, explained that additional area is needed to enable the Sewer District to hook up to the City of Gig Harbor sewer system. Andres reported the Department of Planning and Land Services approves of the franchise and the Wastewater Utility has no objections to the amended franchise area.

Public Testimony:

Louise Batchelor asked if this additional flow would cause

overflow problems for Gig Harbor sewers during rainstorms. Andres replied that the City of Gig Harbor has agreed that this will work and Andres also noted that this line is to serve one particular area only.

Nancy Lockett, with Gray and Osborne Engineers representing Wollochet Harbor Sewer District, explained that the District has been under a Department of Ecology (DOE) administrative order for 10 years to get secondary treatment for their wastewater. The District and the City of Gig Harbor have reached an agreement for wastewater treatment and DOE approves of the plan.

Proposal No. 2001-7 passed on a roll call vote of six to zero.

PROPOSAL NO. 2001-8, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE RESTRICTED FRANCHISE TO TYCOM NETWORKS (U.S.), INC., TO CONSTRUCT, CONNECT, INSTALL, MAINTAIN, REPAIR, REMOVE, REATTACH, REINSTALL, REPLACE, RELOCATE, ENLARGE, OPERATE, AND USE A TELECOMMUNICATIONS SYSTEM IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE NON-EXCLUSIVE RESTRICTED FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR THE VIOLATION OF ITS PROVISIONS; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

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

Staff Testimony:

Shawn Bunney, Council Research Analyst, noted that Tycom runs a telecommunications system through Pierce County, but does not provide service to our residents.

O'Malley moved the Committee Amendment on the white dated February 14, 2001 (Attachment III to these minutes); motion seconded. The amendment passed on a voice vote.

The Chair called for public testimony; there was none. (Shabro was excused from this point on.) Proposal No. 2001-8, as amended, passed on a roll call vote of five to zero.

PROPOSAL NO. 2001-9, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO ELECTRIC LIGHTWAVE, 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.

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

Staff Testimony:

Bunney explained the Proposal and said the first item on the Committee Amendment Sheet (Attachment IV to these minutes) dated February 14, 2001, should not be moved. He referred Councilmembers to his memo on brown (Attachment V to these minutes).

O'Malley moved amendment numbers 2 and 3 on the Committee Amendment Sheet as specified on Bunney's memo. The motion was seconded and passed on a voice vote.

The Chair called for public testimony on Proposal No. 2001-9 as amended; there was no response. Proposal No. 2001-9 as amended passed on a roll call vote of five to zero.

PROPOSAL NO. 2001-11, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO CENTURYTEL OF WASHINGTON, 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.

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

Bunney said this is a renewal of an existing telecommunications franchise. They have three small telephone companies, including one on the Peninsula. Bunney said the franchise is consistent with the County Code in his opinion.

O'Malley moved the Committee Amendment dated February 14, 2001 (Attachment VI to these minutes); motion seconded.

The Chair called for testimony; there was none. The amendment passed on a voice vote.

The Chair called for testimony; there was none. Proposal No. 2001-11, as amended, passed on a roll call vote of five to zero.

PROPOSAL NO. 2001-17, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH WAREHOUSE, AUTOMOTIVE, FOOD, PUBLIC EMPLOYEES, DRIVER SALES AND SPECIAL SERVICES TEAMSTERS UNION, LOCAL NO. 599 ON BEHALF OF SHERIFF'S CLERICAL, IDENTIFICATION, AND PROPERTY ROOM EMPLOYEES; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

Staff Testimony:

Joe Carrillo, Labor Relations Manager for Personnel, outlined the changes in the contract.

The Chair called for testimony, there was none. Proposal No. 2001-17 passed on a roll call vote of five to zero.

IX. RESOLUTIONS

PROPOSAL NO. R2000-188, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING A PROPOSED AMENDMENT, PURSUANT TO REVISED CODE OF WASHINGTON 36.70.640, TO AMEND SUBSECTIONS 18A.25.250 B. AND 18A.25.150 E. OF THE PIERCE COUNTY CODE, TO ESTABLISH LEVELS FOR EDUCATION SERVICES; TO PERMIT LEVEL 1 EDUCATIONAL SERVICES IN THE RURAL SEPARATOR ZONE; AND REFERRING THE PROPOSED AMENDMENTS TO THE DEPARTMENT OF PLANNING AND LAND SERVICES, AND THE PIERCE COUNTY PLANNING COMMISSION, FOR A REPORT AND RECOMMENDATION BACK TO THE COUNTY COUNCIL.

O'Malley moved adoption; motion seconded.

Tom Weber, said this Resolution sends the matter to the Planning Commission for report and recommendation. When that is completed, the Council will have its normal Committee and Council hearings on the final proposal. He stressed that this Proposal does not deal with public or private elementary, junior high or high schools; it applies to educational services that prepare students for jobs in a trade. Weber said examples include: vocational schools, beauty and barber schools, and business schools. This legislation proposes allowing small educational

service facilities to locate in the Rural Separator in very limited circumstances. A conditional use permit would be required.

The Clerk read the title into the record.

O'Malley moved Council Amendment No. 1-B (Attachment VII to these minutes); motion seconded. The Chair called for public testimony; there was none. The amendment passed on a voice vote.

Public Testimony:

Randy Robbins, Patrick Crume, and Michael Copley of Boilermakers Union #502, spoke in support of the Proposal.

Proposal No. R2000-188, as amended, passed on a roll call vote of five to zero.

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS

Louise Batchelor had concerns about the change in ownership of Land Recovery Inc. Brown said all things in place previously will carry over. Batchelor requested a copy of the LRI contract.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:39 p.m.

Attest:

Attest:

Clerk of the Council

Deputy Clerk

Approved:

Council Chair

Date Approved

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