

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MARCH 25, 2003**

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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 Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss, followed by a Moment of Silence in tribute to our Armed Forces.

III. ROLL CALL

Councilmembers Present: Paul Bocchi, Shawn Bunney, Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, and Kevin Wimsett.

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

There were approximately 43 visitors present.

IV. APPROVAL OF AGENDA

Wimsett moved approval of the Agenda; motion seconded and passed on a voice vote.

V. CONSENT AGENDA

- a. Approval of Minutes
 - 1. The minutes of the March 4, 2003, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
 - 1. 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.

Sponsored by: Councilmember Pat O'Malley
Contact person: Thomas Weber, 798-6067
DO PASS RECOMMENDATION - PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Barbara Gelman, Chair; Paul Bocchi, Vice Chair; Shawn Bunney, Member; Calvin Goings, Member; Terry Lee, Member)
Suggested date of Council hearing: April 29, 2003

2. PROPOSAL NO. 2003-6, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY THAT LIES WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, AND IS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; REQUIRING PUBLIC ACCESS; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS1-02, JOSEPH AND PAMELA MAYER - SPANAWAY AREA)

Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julia Park, 798-2783
To be heard by the Planning & Environment Committee on April 2, 2003
Suggested date of Council hearing: April 29, 2003

3. PROPOSAL NO. 2003-7, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT, ON CERTAIN PROPERTY THAT LIES WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, AND IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 17 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS2-02, WILLIAM MILES - GRAHAM AREA)

Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julia Park, 798-2783
To be heard by the Planning & Environment Committee on April 2, 2003
Suggested date of Council hearing: April 29, 2003

4. PROPOSAL NO. 2003-8, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WHICH LIES WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, AND IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS3-02, KENNETH AND SHARRELL KILBORN - GIG HARBOR AREA)

Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julia Park, 798-2783

To be heard by the Planning & Environment Committee
on April 2, 2003

Suggested date of Council hearing: April 29, 2003

5. PROPOSAL NO. 2003-9, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT, ON CERTAIN PROPERTY THAT LIES WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, AND IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST4-02, RICHARD HANLY - ROY AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Airyang Julia Park, 798-2783

To be heard by the Planning & Environment Committee
on April 2, 2003

Suggested date of Council hearing: April 29, 2003

6. PROPOSAL NO. 2003-12, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 5.14.190 OF THE PIERCE COUNTY CODE, "OPERATION RESTRICTIONS - UNLAWFUL ACTS DESIGNATED", TO CLARIFY THE RESPONSIBILITY OF THE MANAGEMENT OF EROTIC DANCE STUDIOS TO ENFORCE THE RESTRICTIONS SET FORTH IN SECTION 5.14.190 OF THE PIERCE COUNTY CODE.

Sponsored by: Councilmembers Barbara Gelman and Paul Bocchi

Contact person: Giselle Kamieniecki, 798-7477

DO PASS RECOMMENDATION - PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE (Barbara Gelman, Chair; Paul Bocchi, Vice Chair/excused; Shawn Bunney, Member; Calvin Goings, Member; Terry Lee, Member)

Suggested date of Council hearing: April 29, 2003

7. PROPOSAL NO. 2003-16, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 15 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST9-02, JANICE A. TRACY - EATONVILLE AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Airyang Julia Park, 798-2783

To be heard by the Planning & Environment Committee
on April 2, 2003

Suggested date of Council hearing: April 29, 2003

8. PROPOSAL NO. 2003-17, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST8-02, ALLEN AND CARLA CHASE - ROY AREA)
Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julia Park, 798-2783
To be heard by the Planning & Environment Committee on April 2, 2003
Suggested date of Council hearing: April 29, 2003
9. PROPOSAL NO. 2003-18, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST11-02, MICHAEL AND VICKY MURPHY - EATONVILLE AREA)
Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julia Park, 798-2783
To be heard by the Planning & Environment Committee on April 2, 2003
Suggested date of Council hearing: April 29, 2003
10. PROPOSAL NO. 2003-33, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CANCELING CERTAIN UNCOLLECTIBLE PERSONAL PROPERTY TAXES.
Sponsored by: Councilmember Harold Moss
Contact person: Jack Rusler, 798-7551
For referral to the Rules & Operations Committee
11. PROPOSAL NO. 2003-34, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW SECTION 13.08.075 OF THE PIERCE COUNTY CODE, "ADMINISTRATIVE CANCELLATION OF DELINQUENT SPECIAL ASSESSMENT"; AND ESTABLISHING AN ADMINISTRATIVE WRITE-OFF POLICY FOR UNCOLLECTIBLE DELINQUENT UTILITY LOCAL IMPROVEMENT DISTRICT ASSESSMENTS.
Sponsored by: Councilmember Harold Moss
Contact person: Tony Tipton, 798-4250
For referral to the Public Works Committee and Rules & Operations Committee

12. PROPOSAL NO. 2003-35, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING AN UNNAMED ROAD, PORTIONS OF SNELLSTROM-BUSH ROAD, AND EUSTIS-HUNT ROAD LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE GRAHAM AREA.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
For referral to the Public Works Committee
 13. PROPOSAL NO. 2002-95, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 17A.50 OF THE PIERCE COUNTY CODE, "FLOODPLAIN MANAGEMENT;" ADOPTING A NEW CHAPTER 17A.50, "FLOOD HAZARD AREAS;" AMENDING SECTION 17A.10.060, "DEFINITIONS;" SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmember Karen Biskey
Contact person: Lloyd Fetterly, 798-6730
(This Proposal was postponed indefinitely by the Council on October 15, 2002.)
For referral to the Planning and Environment Committee
- c. Action on Resolutions (refer, set date of hearing)
1. PROPOSAL NO. R2003-37, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CALLING FOR AN ELECTION ON MAY 20, 2003, FOR THE PURPOSE OF SUBMITTING TO THE AFFECTED VOTERS THE DETERMINATION OF WHETHER OR NOT CERTAIN TERRITORY THAT IS IN UNINCORPORATED PIERCE COUNTY, LOCATED ADJACENT TO THE CURRENT CITY LIMITS OF AUBURN, SHOULD BE ANNEXED TO AND BECOME A PART OF THE CITY OF AUBURN; AND REQUESTING THAT THE PROSECUTING ATTORNEY WRITE AN APPROPRIATE BALLOT TITLE.
Sponsored by: Councilmember Harold Moss
Contact person: Susan Long, 798-6068
For referral to the Rules & Operations Committee
To be heard by the Rules & Operations Committee on March 31, 2003
Suggested date of Council Hearing: April 1, 2003
 2. PROPOSAL NO R2003-39, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENT TO VACATE AN UNNAMED ROAD, PORTIONS OF SNELLSTROM-BUSH ROAD, AND EUSTIS-HUNT ROAD, ALL LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE GRAHAM AREA; AND DIRECTING THE COUNTY ENGINEER TO EXAMINE THE INTENDED VACATION AND REPORT THE FINDINGS AND CONCLUSIONS THEREOF TO THE COUNCIL.

Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
For referral to the Public Works Committee

d. Other Items

Wimsett 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 March 5, 2003, was read into the record

ORDINANCE NO. 2002-132s, 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.

ORDINANCE NO. 2003-13, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH PIERCE COUNTY DEPUTY SHERIFFS' INDEPENDENT GUILD, LOCAL NO. 1889, COMMUNITY SERVICE OFFICERS; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

PROPOSAL NO. R2003-40, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE RECOGNIZING AND HONORING THE MANY CONTRIBUTIONS MADE TO PIERCE COUNTY BY THE DAFFODIL FESTIVAL AND ITS ROYAL COURT FOR THE PAST 70 YEARS.

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

Queen Angie Voiles, Sumner High School, accepted the Proclamation from County Executive John Ladenburg, and introduced the Royal Court. Representatives sang the "Star Spangled Banner", and Councilmembers praised the students and wished them well in their Daffodil Festival event.

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

At 3:20 p.m. the Chair announced a recess; at 3:30 p.m. the meeting reconvened.

Presentation of Lake Tapps Parkway East Asphalt Paving Award to Pierce County Public Works and Utilities, and Tucci and Sons by Pierce County Executive John Ladenburg.

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A handout describing the award is contained in the Clerk's meeting file.

Presentation of American Legion Blue Star Banner to Pierce County by American Legion Post Commander Bob Schwartz (Cdr., U.S.N., Retired).

PROPOSAL NO. R2003-36, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY ETHICS COMMISSION. (MICHAEL LACADIE)

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

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

VIII. ORDINANCES

PROPOSAL NO. 2002-121s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNIMPROVED 174TH STREET EAST, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE SPANAWAY AREA.

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

Staff Testimony

Les Olsen, Public Works and Utilities Department, stated this proposed vacation represents a 40-foot strip of right-of-way in unincorporated Pierce County that is not needed in the County road system. The Department supports the request to vacate.

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

PROPOSAL NO. 2003-3s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 3.68 OF THE PIERCE COUNTY CODE, "SICK LEAVE", TO BRING THE COUNTY'S RULES REGARDING PERMISSIBLE USES OF SICK LEAVE INTO COMPLIANCE WITH THE WASHINGTON STATE FAMILY CARE ACT, WHICH BECAME EFFECTIVE ON JANUARY 1, 2003.

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

Staff Testimony

Joe Carrillo, Personnel Department, stated passage of this Ordinance would bring the County's policy regarding sick leave into compliance with the Washington State Family Care Act. A provision in the Ordinance makes the policy effective January 1, 2003, to coincide with the effective date of the Act.

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

PROPOSAL NO. 2003-4, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 3.72.010 OF THE PIERCE COUNTY CODE, "ACCRUAL OF VACATION LEAVE", TO ADJUST VACATION ACCRUAL RATES FOR NON-REPRESENTED, NON-ELECTED EMPLOYEES; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Carrillo stated passage of this Ordinance would enhance Pierce County's accrual of vacation leave, making the County on a par with other jurisdictions, and providing an incentive for retaining valued employees.

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

PROPOSAL NO. 2003-15, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO RESCIND A LEASE EXECUTED BY PIERCE COUNTY, THE CITY OF TACOMA, AND THE TACOMA RESCUE MISSION, FOR PROPERTY JOINTLY OWNED BY THE COUNTY AND THE CITY OF TACOMA; AND TO TRANSFER OWNERSHIP OF THAT PROPERTY TO THE TACOMA RESCUE MISSION AND TO HABITAT FOR HUMANITY.

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

Staff Testimony

David Shirer, Community Development Department, provided a history of the purchase and use of this property. He stated through the passage of this Ordinance a portion of the property presently occupied by the Tacoma Rescue Mission will

be deeded to them, and the remainder of the property will be deeded to Habitat for Humanity to construct a number of single-family residences for low-income families.

Councilmember Lee spoke in support of this program, stating that he applauds the efforts of Habitat for Humanity.

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

IX. RESOLUTIONS

PROPOSAL NO. R2003-33, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPROVING, AS CREATING MUNICIPALITY, RESOLUTION NO. 2003-01 OF THE ECONOMIC DEVELOPMENT CORPORATION OF PIERCE COUNTY, ADOPTED FEBRUARY 7, 2003, TAKING OFFICIAL ACTION REGARDING THE ISSUANCE OF NOT TO EXCEED \$6,500,000 OF NON-RECOURSE REVENUE BONDS, FOR THE BENEFIT OF SEA TAC PACKAGING MFG. CORP.

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

Public Testimony

Susan Suess, Economic Development Corporation of Pierce County, stated the intent of this Resolution is to approve the action taken by the Economic Development Corporation of Pierce County to approve this bond issue, and provide a public hearing opportunity on the proposed issuance of the bonds. She stated the proceeds would be used to purchase land and construct a 96,000 square-foot facility in Puyallup. She stated 60 employees are currently employed. Twenty additional employees are anticipated to be hired the first year of operation, with 10 additional in the second year, and 10 additional in the third year. She stated Sea Tac Packaging has an agreement with the Washington State Employment Security office to list job openings as a means of seeking new employees. Suess stated that Bond Counsel Cynthia Weed was present to respond to questions, if needed.

Geoff Lawrence, General Manager of Sea Tac Packaging Manufacturing Corp., thanked the Council for their support of the project, and displayed samples of the products manufactured at the facility. Lawrence responded to questions of Councilmembers regarding the current and proposed facility operations.

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

PROPOSAL NO. R2003-38, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SETTING THE DATE OF AN EVENING COUNCIL MEETING IN COUNCIL DISTRICT NO. 6, FOR 6:00 P.M. ON TUESDAY, MAY 13, 2003, TO BE HELD AT TOWN HALL IN THE TOWN OF STEILACOOM, 1717 LAFAYETTE, STEILACOOM, WASHINGTON.

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

Bocchi stated the Town of Steilacoom had graciously offered their Town Hall as a meeting place for the District No. 6 evening meeting, and urged all Councilmembers to attend.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Wimsett moved to amend the Meeting Schedule for the week of March 31 - April 4, 2003, by removing Proposal No. 2003-31 from the Public Works Committee Agenda of Tuesday, April 1, 2003 at 10:00 a.m. The following is the Proposal title:

PROPOSAL NO. 2003-31, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 122ND STREET EAST RIGHT-OF-WAY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN THE PUYALLUP AREA.

The motion was seconded and passed on a voice vote.

XI. GENERAL PUBLIC COMMENTS - None

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:03 p.m.

Attest:

Gerri Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved