

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MARCH 26, 2002**

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 3:05 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, Harold Moss, Pat O'Malley, Jan Shabro, and Kevin Wimsett; Wendell Brown was excused, and Calvin Goings was excused at the time of roll call.

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

There were approximately 16 visitors present.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

- a. Approval of Minutes
 - 1. The minutes of the February 19, 2002, regular Council meeting.
 - 2. The minutes of the March 5, 2002, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
 - 1. PROPOSAL 2001-104, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 85-149, TO EXPAND THE FRANCHISE BOUNDARY AREA OF THE CITY OF BONNEY LAKE'S SANITARY SEWER FRANCHISE.
Sponsored by: Councilmember Harold Moss

Contact person: Jerry West, 798-3687
DO PASS AS SUBSTITUTED RECOMMENDATION - PUBLIC WORKS
COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice
Chair; Karen Biskey /excused; Calvin Goings, Member,
Harold Moss, Member/excused)
Suggested date of Council hearing: April 16, 2002

2. PROPOSAL NO. 2002-7, AN ORDINANCE OF THE PIERCE
COUNTY COUNCIL PROHIBITING THE DISCHARGE OF FIREARMS
WITHIN UNINCORPORATED PORTIONS OF PIERCE COUNTY IN
THE SPANAWAY, GRAHAM, PUYALLUP, AND SOUTH HILL AREAS.
(TITLE SUMMARY: PLEASE SEE SECTION 2. OF THE
ORDINANCE FOR COMPLETE LEGAL DESCRIPTION.)
Sponsored by: Councilmembers Kevin Wimsett and Calvin
Goings

Contact person: Thomas Weber, 798-6067
DO PASS RECOMMENDATION - PUBLIC SAFETY AND HUMAN
SERVICES COMMITTEE (Kevin Wimsett, Chair; Calvin
Goings, Vice Chair; Karen Biskey, Member; Harold
Moss, Member/excused; Jan Shabro, Member)
Suggested date of Council hearing: April 9, 2002

3. PROPOSAL NO. 2002-8, AN ORDINANCE OF THE PIERCE
COUNTY COUNCIL PROHIBITING THE DISCHARGE OF FIREARMS
WITHIN UNINCORPORATED PORTIONS OF PIERCE COUNTY, IN
THE BONNEY LAKE, SOUTH PRAIRIE, BUCKLEY, AND LAKE
TAPPS AREAS. (TITLE SUMMARY: PLEASE SEE SECTION 2.
OF THE ORDINANCE FOR LEGAL DESCRIPTION OF THE AREA.)
Sponsored by: Councilmember Jan Shabro

Contact person: Thomas Weber, 798-6067
DO PASS RECOMMENDATION - PUBLIC SAFETY AND HUMAN
SERVICES COMMITTEE (Kevin Wimsett, Chair; Calvin
Goings, Vice Chair; Karen Biskey member; Harold Moss,
member/excused; Jan Shabro, member)
Suggested date of Council hearing: April 9, 2002

4. PROPOSAL 2002-15, AN ORDINANCE OF THE PIERCE COUNTY
COUNCIL AMENDING TITLE 3 OF THE PIERCE COUNTY CODE,
PERSONNEL, BY ADOPTING A NEW CHAPTER 3.15, WORKPLACE
VIOLENCE PREVENTION.

Sponsored by: Councilmember Harold Moss
Contact person: Hudson Stansbury, 798-7477
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE
(Harold Moss, Chair; Pat O'Malley, Vice Chair/
excused; Wendell Brown, Member)
Suggested date of Council hearing: April 9, 2002

5. PROPOSAL NO. 2002-17, AN ORDINANCE OF THE PIERCE
COUNTY COUNCIL AMENDING CHAPTER 3.16 OF THE PIERCE
COUNTY CODE, AND ADOPTING A NEW TITLE FOR CHAPTER

3.16, EQUAL EMPLOYMENT OPPORTUNITY POLICY.
Sponsored by: Councilmember Harold Moss
Contact person: Betsy Sawyers, 798-7469
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE
(Harold Moss, Chair; Pat O'Malley, Vice Chair/
excused; Wendell Brown, Member)
Suggested date of Council hearing: April 9, 2002

6. PROPOSAL NO. 2002-29, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.59.140 OF THE PIERCE COUNTY CODE, BY ADJUSTING THE JURISDICTIONAL BOUNDARIES OF THE GRAHAM ADVISORY COMMISSION.
Sponsored by: Councilmember Jan Shabro
Contact person: Anna Graham, 798-6253
For referral to the Planning & Environment Committee
 7. PROPOSAL NO. 2002-30, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 19D.160 OF THE PIERCE COUNTY CODE, COMPREHENSIVE PARK AND RECREATION PLAN; ADOPTING A NEW CHAPTER 19D.160, PARK, RECREATION, AND OPEN SPACE PLAN; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmember Calvin Goings
Contact person: Grant Griffin, 798-4049
For referral to the Planning & Environment Committee
Suggested date of Council hearing: May 7, 2002
 8. PROPOSAL NO. 2002-31, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 19C.10 OF THE PIERCE COUNTY CODE, PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE PLAN, TO MODIFY THE LENGTH OF THE TIMELINE FOR COMPREHENSIVE PLAN AMENDMENT CYCLES, ADDRESS AMENDMENTS TO DEVELOPMENT REGULATIONS, AND MAKE OTHER CHANGES; SETTING THE EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmember Calvin Goings
Contact person: Anna Graham, 798-6253
For referral to the Planning & Environment Committee
 9. PROPOSAL NO. 2001-62s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 19D.160 OF THE PIERCE COUNTY CODE, "COMPREHENSIVE PARK AND RECREATION PLAN", BY REPEALING THE COMPREHENSIVE PARK, RECREATION, AND OPEN SPACE PLAN FOR THE GIG HARBOR/KEY PENINSULA; AND SETTING AN EFFECTIVE DATE.
Sponsored by: Councilmember Karen Biskey
Contact person: Anna Graham, 798-6253
(Continued from March 12, 2002)
Suggested date of Council hearing: May 7, 2002
- c. Action on Resolutions (refer, set date of hearing)

d. Other Items

O'Malley moved the adoption of the Consent Agenda; motion seconded and passed on a roll call vote of five to zero.

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

1. A message from the Executive transmitting the following Ordinance, which was approved and signed on March 8, 2002, was read into the record:

ORDINANCE NO. 2002-2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.106.060 OF THE PIERCE COUNTY CODE, EXCEPTIONS TO COMPETITIVE FORMAL SEALED BID PROCEDURES, AUTHORIZING THE USE OF CREDIT CARDS.

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

PROPOSAL NO. R2002-34, A RESOLUTION OF THE PIERCE COUNTY COUNCIL PAYING TRIBUTE AND HONORING THE 200TH ANNIVERSARY OF THE UNITED STATES MILITARY ACADEMY AT WEST POINT; RECOGNIZING THE ACADEMY AS A LIVING TESTAMENT TO THE ACCOMPLISHMENTS OF THE UNITED STATES THROUGHOUT ITS HISTORY; AND RECOGNIZING WEST POINT AS THE ACADEMY MOVES FORWARD INTO ITS THIRD CENTURY OF SERVICE TO THE NATION.

O'Malley moved that the Proposal be continued to April 16, 2002; motion seconded and passed.

PROPOSAL NO. R2002-35, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY HOUSING AUTHORITY. (SANDRA J. BURGESS)

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

Sandra Burgess thanked the Council for their confirmation of her appointment, and she stated that she looks forward to working with the Housing Authority.

O'Malley moved an amendment on page of the Ordinance, at line 10, to delete the date "April 15, 2007" and insert the date "March 26, 2007; motion seconded and passed.

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

PROPOSAL NO. R2002-36, A RESOLUTION OF THE PIERCE COUNTY COUNCIL COMMENDING DON PRATT FOR HIS YEARS OF DEDICATED SERVICE TO PIERCE

COUNTY.

O'Malley moved that the Proposal be continued indefinitely; motion seconded and passed.

Councilmember Goings entered the meeting.

VIII. ORDINANCES

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

Jennifer Andres, Public Works & Utilities Department, stated this right-of-way has been closed for several years, and the property owner has requested the vacation. A portion of the right-of-way will be retained for a possible realignment of the off ramp on Highway 410, which will be dedicated to the County.

Weber stated that the County has received a check for \$31,248.

Andres stated the deed for the off-ramp alignment is in hand with the Department.

O'Malley thanked Public Works staff for providing photos and color maps for right-of-way vacation Ordinances, stating they are helpful tools in decision making.

Public Testimony

Michael Nelson asked if the County owned this property, and if parking would be provided.

Staff Testimony

Andres stated Pierce County will be deeding this County-owned property to the petitioner.

Shabro stated the highway is so busy that parking would not be appropriate.

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

IX. RESOLUTIONS

PROPOSAL NO. R2002-25, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING A NEW COMMISSIONER TO THE PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 17 BOARD OF COMMISSIONERS TO FILL AN EXISTING VACANCY, PURSUANT TO REVISED CODE OF WASHINGTON 42.12.070.

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

Staff Testimony

Long explained that when a nonpartisan body of existing members cannot fill a vacancy within 90 days, the authority goes to the County legislative body to make the appointment. Because the two existing members in Fire Protection District No. 17 were unable to come to an agreement on the appointment of a third Commissioner, it is now before the County Council.

Moss stated the process would be to hear from those who are interested in having their names considered as Board Members. He would then allow public testimony on those comments, and the Council would be making a determination after that testimony.

Public Testimony

Dave McCarter, Baron Banks, and James Clark submitted Statements of Candidacy, and asked for Council's support.

Roy Kadow, an existing Fire Commissioner, spoke in support of Dave McCarter. In response to Shabro's question, he stated Commissioners are paid \$70 for each formal meeting they attend, and the annual budget for the Commission is \$450,000.

Shabro and O'Malley stated when issues cannot be settled at the local level, it is difficult for the Council to step in to resolve the dispute and make the appointment.

Biskey stated the decision is even more difficult when all three candidates are as well qualified as these.

In response to Biskey's question, Staff responded the person appointed will stand for election in the General Election in 2003.

Moss moved Council Amendment No. 1 as set forth in Attachment I to these minutes; motion seconded. The Clerk read the amendment, appointing Dave McCarter, into the record.

Following a discussion, the amendment failed on a roll call vote of three to three; Wimsett, O'Malley, and Goings voted no.

Goings moved adoption of Council Amendment No. 1 as set forth as Attachment II to these minutes; motion seconded. The Clerk read the amendment, appointing Baron Banks, into the record.

Following a discussion, the amendment passed on a voice vote.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

1. O'Malley moved to acknowledge receipt of the Certificate of Election on Proposition No. 7 - DISSOLUTION OF WHITEMAN'S COVE WATER DISTRICT; motion seconded and passed.

XI. GENERAL PUBLIC COMMENTS

1. Michael Nelson spoke regarding his concerns of employment for the homeless and those with disabilities.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:45 p.m.

Attest:

Gerri Rainwater, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved