

**PIERCE COUNTY COUNCIL MEETING
APRIL 17, 2001**

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 3:00 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: Carolyn Pendle, Research Analyst; Anna Graham, Research Analyst; Susan Long, Legal Counsel; Gerri Rainwater, Administrator/ Clerks & Operations; and Tom Weber, Administrator/Research & Policy.

There were approximately 102 visitors present.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

- a. Approval of Minutes
 - 1. The minutes of the January 30, 2001, regular Council meeting. (continued from the April 10, 2001, Council meeting)
 - 2. The minutes of the February 13, 2001, regular Council meeting. (continued from the April 10, 2001, Council meeting)

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3. The minutes of the March 27, 2001, regular Council meeting. (continued from the April 10, 2001, Council meeting)
 4. The minutes of the February 20, 2001, regular Council meeting.
 5. The meeting summary of the March 28, 2001, special meeting of the Council and the County Executive
- b. Action on Ordinances (refer, set date of hearing)
1. PROPOSAL NO. 2001-34, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CALLING FOR AN ELECTION OF THE VOTERS OF PIERCE COUNTY AT THE NOVEMBER 2001 GENERAL ELECTION, TO AMEND PIERCE COUNTY CHARTER SECTION 4.50, "DISTRICTING COMMITTEE", TO PROVIDE FOR REPRESENTATION ON THE DISTRICTING COMMITTEE FROM ALL MAJOR POLITICAL PARTIES; AND TO ADD A DEFINITION OF "MAJOR POLITICAL PARTY".
Sponsored by: Councilmember Wendell Brown
Contact person: Susan Long, 798-6068
For referral to the Rules and Operations Committee (continued from the April 10, 2001, Council meeting)
 2. PROPOSAL NO. 2000-57s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE CHAPTER 12.32 - RIGHT-OF-WAY FRANCHISES FOR PUBLIC AND PRIVATE UTILITIES; AMENDING CHAPTER 12.34 - TELECOMMUNICATIONS USERS OF PIERCE COUNTY RIGHTS-OF-WAY; AMENDING CHAPTER 17B.10 - GENERAL PROVISIONS; AND ADOPTING THE MANUAL ON ACCOMMODATING UTILITIES IN PIERCE COUNTY RIGHT-OF-WAY, 3RD EDITION.
Sponsored by: Councilmember Harold Moss
Contact person: Thomas Ballard, 798-7250
DO PASS AS SUBSTITUTED RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Jan Shabro, Vice Chair; Calvin Goings, Member)
Suggested date of Council hearing: May 8, 2001 (District meeting)
 3. PROPOSAL NO. 2001-10s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO RAINIER CONNECT, 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.

Sponsored by: Councilmember Harold Moss
Contact person: Hudson Stansbury, 798-6643
DO PASS AS SUBSTITUTED RECOMMENDATION - PUBLIC
WORKS COMMITTEE (Harold Moss, Chair; Jan Shabro,
Vice Chair; Calvin Goings, Member)
Suggested date of Council hearing: May 8, 2001
(District meeting)

4. PROPOSAL NO. 2001-16s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 1.28 OF THE PIERCE COUNTY CODE, "RULES OF PROCEDURE - PIERCE COUNTY COUNCIL," BY ADDING NEW SECTIONS TO REQUIRE FISCAL ANALYSES OF ALL PROPOSED LEGISLATION; ADDRESSING PROCEDURES FOR AMENDING CHAPTER 1.28 OF THE PIERCE COUNTY CODE; AND ADOPTING CLARIFYING AND TECHNICAL CHANGES.
Sponsored by: Councilmember Wendell Brown
Contact person: Susan Long, 798-6068
DO PASS AS SUBSTITUTED RECOMMENDATION - RULES AND OPERATIONS COMMITTEE (Wendell Brown, Chair; Harold Moss, Vice Chair; Pat O'Malley, Member/excused)
Suggested date of Council hearing: May 15, 2001
5. PROPOSAL NO. 2001-24, 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 7, TOWNSHIP 17 NORTH, AND RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST2-00, ROBERT S. AND JAMI S. CASHMAN - KAPOWSIN AREA)
Sponsored by: Councilmember Karen S. Biskey
Contact person: Airyang Julia Park, 798-2783
DO PASS RECOMMENDATION - PLANNING COMMITTEE (Karen S. Biskey, Chair/excused; Calvin Goings, Vice Chair; Kevin Wimsett, Member)
Suggested date of Council hearing: May 8, 2001
(District meeting)
6. PROPOSAL NO. 2001-25, 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 SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 18 NORTH, AND RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST4-00, MIKE AND CINDY SCHRADER - ORTING AREA)
Sponsored by: Councilmember Karen S. Biskey

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Contact person: Airyang Julia Park, 798-2783
DO PASS RECOMMENDATION - PLANNING COMMITTEE (Karen
S. Biskey, Chair/excused; Calvin Goings, Vice
Chair; Kevin Wimsett, Member)
Suggested date of Council hearing: May 8, 2001
(District meeting)

7. PROPOSAL NO. 2001-26, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS3-00, RICHARD AND DIANE GAMACHE, SPANAWAY AREA)
Sponsored by: Councilmember Karen S. Biskey
Contact person: Airyang Julia Park, 798-2783
DO PASS RECOMMENDATION - PLANNING COMMITTEE (Karen S. Biskey, Chair/excused; Calvin Goings, Vice Chair; Kevin Wimsett, Member)
Suggested date of Council hearing: May 8, 2001
(District meeting)
8. PROPOSAL NO. 2001-27, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS11-00, JANICE M. KOBAK AND GARY CASTELLANE - CRYSTAL VILLAGE AREA)

Sponsored by: Councilmember Karen S. Biskey
Contact person: Airyang Julia Park, 798-2783
DO PASS RECOMMENDATION - PLANNING COMMITTEE (Karen
S. Biskey, Chair/excused; Calvin Goings, Vice
Chair; Kevin Wimsett, Member)
Suggested date of Council hearing: May 8, 2001
(District meeting)

9. PROPOSAL NO. 2001-28, 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 36, TOWNSHIP 15 NORTH, AND RANGE 6 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST5-00, JRG INVESTMENTS - BURNETT AREA)

Sponsored by: Councilmember Karen S. Biskey
Contact person: Airyang Julia Park, 798-2783
DO PASS RECOMMENDATION - PLANNING COMMITTEE (Karen
S. Biskey, Chair/excused; Calvin Goings, Vice
Chair; Kevin Wimsett, Member)
Suggested date of Council hearing: May 15, 2001

10. PROPOSAL NO. 2001-29, 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 NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, AND RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST7-00, JOEY AND PAM CASTOR - KAPOWSIN AREA)

Sponsored by: Councilmember Karen S. Biskey
Contact person: Airyang Julia Park, 798-2783
DO PASS RECOMMENDATION - PLANNING COMMITTEE (Karen
S. Biskey, Chair/excused; Calvin Goings, Vice
Chair; Kevin Wimsett, Member)
Suggested date of Council hearing: May 15, 2001

11. PROPOSAL NO. 2001-30, 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 SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, AND RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST6-00, KAREL A. PELTRAM - ORTING AREA)

Sponsored by: Councilmember Karen S. Biskey

Contact person: Airyang Julia Park, 798-2783
DO PASS RECOMMENDATION - PLANNING COMMITTEE (Karen
S. Biskey, Chair/excused; Calvin Goings, Vice
Chair; Kevin Wimsett, Member)
Suggested date of Council hearing: May 15, 2001

12. PROPOSAL NO. 2001-31, 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 35, TOWNSHIP 17 NORTH, AND RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST8-00, ED R. BERG - MC KENNA AREA)
Sponsored by: Councilmember Karen S. Biskey
Contact person: Airyang Julia Park, 798-2783
DO PASS RECOMMENDATION - PLANNING COMMITTEE (Karen S. Biskey, Chair/excused; Calvin Goings, Vice Chair; Kevin Wimsett, Member)
Suggested date of Council hearing: May 15, 2001
13. PROPOSAL NO. 2001-35, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO FIRGROVE MUTUAL WATER COMPANY, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.
Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687
For referral to the Public Works Committee
14. PROPOSAL NO. 2001-44, 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.

Sponsored by: Councilmember Karen S. Biskey
Contact person: Mike Kruger, 798-2700
For referral to the Planning and Environment
Committee
Suggested date of Council hearing: May 29, 2001

15. PROPOSAL NO. 2001-45, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE PIERCE COUNTY COMPREHENSIVE PLAN, SECTION 19A.30.010 OF THE PIERCE COUNTY CODE (CODE) TO PROVIDE FOR AN URBAN SENSITIVE RESOURCE OVERLAY IN THE CITY OF GIG HARBOR'S URBAN GROWTH AREA; AMENDING SECTIONS 19A.30.010 I, 19A.40.020 D.1. AND 19A.40.050 A. OF THE CODE TO INCREASE THE MAXIMUM LOT SIZE TO ONE-HALF ACRE IN THE RESERVE-FIVE DESIGNATION; AMENDING SECTION 19A.30.135 OF THE CODE TO PROVIDE FOR A RURAL AIRPORT OVERLAY; AMENDING SECTION 19A.40.020 OF THE CODE TO PROVIDE FOR A RURAL AIRPORT DESIGNATION AND A RURAL SENSITIVE RESOURCE DESIGNATION; AMENDING THE OPEN SPACE/GREENBELTS MAP, SECTION 19A.30.170 I OF THE CODE, FOR THE GIG HARBOR PENINSULA; AMENDING THE GENERALIZED PROPOSED LAND USE MAP, SECTION 19A.30.230 PCC, TO IMPLEMENT THE GIG HARBOR PENINSULA COMMUNITY PLAN; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmember Karen S. Biskey
Contact person: Mike Kruger, 798-2700
For referral to the Planning and Environment
Committee
Suggested date of Council hearing: May 29, 2001

- c. Action on Resolutions (refer, set date of hearing)
1. PROPOSAL NO. R2001-54, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE RAINIER COMMUNICATIONS COMMISSION INTERLOCAL CABLE TELEVISION AND COMMUNICATION SERVICES COOPERATION AGREEMENT.
Sponsored by: Councilmember Wendell Brown
Contact person: Thomas Weber, 798-6067
For referral to the Rules and Operations Committee
(continued from the April 10, 2001, Council meeting)
2. PROPOSAL NO. R2001-55, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING FOUR MEMBERS TO THE PIERCE COUNTY DISTRICTING COMMITTEE.
Sponsored by: Councilmember Wendell Brown
Contact person: Susan Long, 798-6068
For referral to the Rules and Operations Committee
(continued from the April 10, 2001, Council

meeting)

3. PROPOSAL NO. R2001-58, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING _____ AS A NEW COMMISSIONER REPRESENTING POSITION NUMBER 3, ON THE VALLEY WATER DISTRICT BOARD OF COMMISSIONERS, FILLING AN EXISTING VACANCY.
Sponsored by: Councilmember Wendell Brown
Contact person: Thomas Weber, 798-6067
For referral to the Rules and Operations Committee
(continued from the April 10, 2001, Council meeting)
4. PROPOSAL NO. R2001-59, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REQUESTING THE PIERCE COUNTY PUBLIC WORKS & UTILITIES DEPARTMENT TO PLACE APPROPRIATE TRAFFIC SIGNS ON A NUMBER OF HISTORIC ROADS IN THE SOUTH HILL AREA; TO MARK KEY INTERSECTIONS WHERE THE ORIGINAL UPPER PUYALLUP TO NISQUALLY COUNTY ROAD INTERSECTS WITH MAJOR COUNTY ROADS; AND REQUESTING THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TO RECOGNIZE THE HISTORIC NAME OF BALL-WOOD ROAD ALONG STATE ROUTE 161 IN THE SOUTH HILL AREA.
Sponsored by: Councilmember Calvin Goings
Contact person: Thomas Weber, 798-6067
For referral to the Planning & Environment Committee (continued from the April 10, 2001, Council meeting)
5. PROPOSAL NO. R2001-43, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REPEALING RESOLUTION NO. R2000-158; REQUESTING THAT THE COUNTY EXECUTIVE DEVELOP A COUNTY-WIDE TRAFFIC IMPACT FEE PROGRAM AND RELATED REGULATIONS; AND IDENTIFYING A SCHEDULE FOR REPORTING PROGRESS AND FINAL SUBMITTAL TO THE COUNTY COUNCIL.
Sponsored by: Councilmembers Karen S. Biskey and Jan Shabro
Contact person: Anna Graham, 798-6253
For referral to the Planning and Environment Committee and the Public Works Committee
Suggested date of Council hearing: ~~May 15, 2001~~
(Note: The hearing date is being changed from May 1, 2001, which was previously set at the March 13, 2001, Council meeting.)
6. PROPOSAL NO. R2001-61, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ACCEPTING THE "*SPRINKER RECREATION CENTER MASTER SITE PLAN, PHASE I REPORT*", MARCH 21, 2000; ESTABLISHING THE ACTION PLAN (PHASE I

REPORT); RECOMMENDING THAT THE PIERCE COUNTY EXECUTIVE INCORPORATE FUNDING FOR THE PHASE II PLANNING PROCESS IN THE YEAR 2002 BUDGET; AND REQUESTING THE PARKS AND RECREATION SERVICES DEPARTMENT TO WORK WITH THE TACOMA-PIERCE COUNTY BOYS' AND GIRLS' CLUB TO PROVIDE FACILITIES AND DEVELOP PROGRAMS.

Sponsored by: Councilmembers Calvin Goings and Kevin Wimsett

Contact person: Tom Weber, 798-6067

For referral to the Planning and Environment Committee

Suggested date of Council hearing: May 29, 2001

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. A message from the Executive transmitting the following Ordinances, which were approved and signed on March 27, 2001, was read into the record:

ORDINANCE 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. (continued from the April 10, 2001, Council meeting)

ORDINANCE 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. (continued from the April 10, 2001, Council meeting)

ORDINANCE 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. (continued from the April 10, 2001, Council meeting)

ORDINANCE 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. (continued from the April 10, 2001, Council meeting)

ORDINANCE 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. (continued from the April 10, 2001, Council meeting)

ORDINANCE 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. (continued from the April 10, 2001, Council meeting)

2. A message from the Executive transmitting the following Resolution, which was approved and signed on April 3, 2001, was read into the record:

RESOLUTION NO. R2001-57, AN EMERGENCY RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE REQUESTING GOVERNOR LOCKE AND THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS) TO RECONSIDER CURRENT PLANS TO REVISE THE FUNDS ALLOCATION FORMULA PROVIDED UNDER RCW 71.24.035; AND DECLARING AN EMERGENCY.

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

PROPOSAL NO. R2001-46, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE DECLARING THE WEEK OF APRIL 22-28, 2001, AS VOLUNTEER RECOGNITION WEEK IN PIERCE COUNTY, WASHINGTON; AND CONGRATULATING HELEN SOHLBERG AND LEO RANDOLPH AS THE TOP INDIVIDUAL VOLUNTEERS, AND THE PIERCE COUNTY DIVERSION PROGRAM AS THE TOP VOLUNTEER GROUP WINNER FOR THE YEAR 2000.

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

Helson Sohlberg, Leo Randolph, and representatives from the Diversion Program accepted the Proclamation, thanking the Council for their recognition.

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

PROPOSAL NO. R2001-56, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF THREE EXISTING MEMBERS TO THE MENTAL HEALTH ADVISORY BOARD. (LOUIS CALDWELL, ARLEE COLYAR, AND DARRELL HARLOW)

Moss moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony. There was no response; the Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. R2001-62, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REAPPOINTING COUNCILMEMBER HAROLD MOSS TO HIS SECOND TERM ON THE PIERCE TRANSIT BOARD.

Moss moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony. There was no response; the Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. R2001-64, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF FIVE MEMBERS TO THE AGING AND LONG TERM CARE ADVISORY BOARD. (DON DUCKETT, DAN FRUICHANTIE, CARL RITTING, JANE WALDRON, AND MARGARET WOHRLE)

Moss moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony. There was no response; the Proposal passed on a roll call vote of seven to zero.

VIII. ORDINANCES

PROPOSAL NO. 2000-97s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL TERMINATING THE CONCOMITANT AGREEMENT WHICH WAS APPROVED BY ORDINANCE NO. 86-92S, AS AMENDED, FOR THE SUNRISE DEVELOPMENT (FORMERLY, RAINIER TERRACE); AND REQUESTING PLANNING AND LAND SERVICES TO ADMINISTER THE PROJECT (AFTER THE PROPONENT SUBMITS AN APPLICATION FOR FINAL APPROVAL OF A PLANNED UNIT DEVELOPMENT AND DEVELOPMENT AGREEMENT FOR THE SUNRISE DEVELOPMENT) PURSUANT TO PCC 18A.75.080 AND IN CONSIDERATION OF THE HEARING EXAMINER'S DECISION OF MAY 20, 1997.

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

Staff Testimony

Graham stated passage of this Ordinance would terminate the concomitant agreement between the County and the developers at Sunrise. The development was permitted under a set of development regulations that were unique to the development, and passage of this Ordinance would bring the remaining development of Sunrise under the County's existing regulations.

Public Testimony

Carl Halsan, representing Sunrise Development, stated the project has been in existence since 1996 and the developer supports the concept that current regulations will be adhered to. He stated some of the property has been changed from Heavy Industrial to Residential, and stated the developer looks forward to working with Pierce County as this project is being built.

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

PROPOSAL NO. 2001-20s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 2.55 OF THE PIERCE COUNTY CODE, ENTITLED "SUMMIT VIEW ADVISORY COMMISSION"; AND ESTABLISHING AND CREATING A FIVE-MEMBER LAND USE ADVISORY COMMISSION IN THE SUMMIT VIEW COMMUNITY TO BE KNOWN AS THE SUMMIT VIEW ADVISORY COMMISSION.

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

Goings moved adoption of Council Amendment No. 2 as set forth in Attachment I to these minutes; motion seconded. The Clerk read the amendment into the record. The amendment passed on a voice vote. Goings stated passage of this Proposal would establish the Summit View Advisory Commission as a five-member Land Use Advisory Board.

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

PROPOSAL NO. 2001-21s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.75.040 OF THE PIERCE COUNTY CODE, "GEOGRAPHICAL BOUNDARIES", ADJUSTING THE JURISDICTIONAL BOUNDARIES OF THE SOUTH HILL ADVISORY COMMISSION.

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

Goings stated passage of this Ordinance would correct the boundary lines for the Summit View planning area to correspond with recent boundary changes to other surrounding plan areas.

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

PROPOSAL NO. 2001-33, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH UNITED HEALTHCARE WORKERS, LOCAL 1184, SYSTEM COUNCIL NO. 15, NATIONAL CONFERENCE OF FIREMEN AND OILERS, SERVICE EMPLOYEES INTERNATIONAL UNION - LICENSED PRACTICAL NURSES UNIT; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

Staff Testimony

Debbie Young, Personnel Department, stated this bargaining agreement is with a new unit in Pierce County. The nine employees involved are workers at the Pierce County Behavioral Health Center. She stated the Department anticipates two additional units from the Behavioral Health Center.

Goings moved Council Amendment No. 1 as set forth in Attachment II to these minutes; motion seconded. The Clerk read the amendment into the record; the amendment passed on a voice vote.

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. R2001-21s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING RESOLUTION NO. R2000-86s, REFERRING THE PROPOSED PARK, RECREATION, AND OPEN SPACE PLAN BACK TO THE DEPARTMENT OF PARKS AND RECREATION SERVICES FOR REVISION, BY CHANGING THE DATE FOR RE-SUBMITTAL TO THE COUNCIL FROM FEBRUARY 1, 2001, TO CONCURRENTLY WITH THE REPORT REQUESTED IN RESOLUTION NO. R2001-44.

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

Staff Testimony

Weber explained passage of this Resolution would allow an extension to the deadline for the Parks Department to report back to the County Council in response to Resolution No. R2001-86s. The Council had originally requested a deadline of February 1, 2001, which has not been met, so the Council is now requesting that the Parks and Recreation Open Space Plan be revised and resubmitted to the Council concurrently with the report that was requested in Resolution No. R2001-44.

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

PROPOSAL NO. R2001-41s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING PROPOSED INTERIM REGULATIONS FOR THE SOUTH HILL COMMUNITY PLAN AREA, THE SUMMIT VIEW ADVISORY COMMISSION AREA AND THE FREDERICKSON COMMUNITY PLAN AREA; REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT, WITH THE ASSISTANCE FROM THE PUBLIC WORKS AND UTILITIES DEPARTMENT, TO DEVELOP PROPOSED INTERIM REGULATIONS ADDRESSING TRANSPORTATION, LAND USE RELATED ISSUES, AND STORMWATER/SEWER ISSUES; REFERRING THESE PROPOSED INTERIM REGULATIONS TO THE PLANNING COMMISSION, THE SUMMIT VIEW ADVISORY COMMISSION, THE FREDERICKSON ADVISORY COMMISSION, AND SOUTH HILL ADVISORY COMMISSION; AND SETTING A DATE FOR THE PLANNING COMMISSION'S REPORT AND RECOMMENDATION BACK TO THE COUNTY COUNCIL.

The testimony on this Proposal is prepared verbatim as set forth in Attachment III to these minutes.

PROPOSAL NO. R2001-44, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING A PROCESS FOR CONSIDERING THE PUBLIC'S NEED FOR PARKS IN DEVELOPMENT OF A SPENDING PLAN FOR THE REVENUES OF THE 1/10TH OF 1 PERCENT SALES TAX APPROVED BY THE VOTERS OF PIERCE COUNTY ON SEPTEMBER 19, 2000; REQUESTING THAT THE SPENDING PLAN ADDRESS ALL REVENUES AVAILABLE FOR PARKS; REQUESTING THE COUNTY EXECUTIVE TO PRESENT THE DRAFT PROPOSED SPENDING PLAN TO THE ACTIVE LAND USE ADVISORY COMMISSIONS AND IN OTHER PUBLIC FORUMS ACROSS THE COUNTY FOR REVIEW AND RECOMMENDATION; AND TO CONSIDER PUBLIC COMMENT IN DEVELOPING A FINAL DRAFT PROPOSED PLAN TO BE PRESENTED TO THE COUNCIL WITHIN FOUR MONTHS OF THE ADOPTION OF THIS RESOLUTION.

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

Moss moved adoption of Council Amendment No. 1 as set forth in Attachment IV to these minutes; motion seconded and passed on a voice vote.

O'Malley moved adoption of Council Amendment No. 2 as set forth in Attachment V to these minutes; motion seconded and passed on a voice vote.

Following a discussion among Councilmembers, O'Malley moved to amend the amendment to delete the word "only" on the second line following the word "areas"; 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 six to zero (Moss was excused).

PROPOSAL NO. R2001-63, A RESOLUTION OF THE PIERCE COUNTY COUNCIL EXPRESSING APPRECIATION TO THE TACOMA CITY COUNCIL FOR APPROPRIATING IN ITS BIENNIAL BUDGET THE CITY'S SHARE OF THE NECESSARY FUNDS FOR THE LAW ENFORCEMENT ARREST AND DATA SYSTEM (LEADS) 2000 REBOOT PROJECT; AND DECLARING THE COUNTY COUNCIL'S INTENT TO APPROPRIATE \$450,000.00 IN THE 2002 BUDGET FOR THE LEADS 2000 REBOOT PROJECT.

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

Staff Testimony

In response to Shabro's question, Mark French, Interim Director of Law Enforcement Support Agency (LESA) Records, stated the referenced appropriation would be an addition to monies that had been budgeted this year for this program. Weber pointed out that the Executive will include the additional money needed in the 2002 Budget process.

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

PROPOSAL NO. R2001-65, A RESOLUTION OF THE PIERCE COUNTY COUNCIL URGING THE WASHINGTON STATE LEGISLATURE TO SUPPORT ENGROSSED SENATE JOINT RESOLUTION 8208, WHICH PROPOSES A STATE CONSTITUTIONAL AMENDMENT TO ALLOW A PRESIDING JUDGE OF THE SUPERIOR COURT TO ASSIGN A SITTING ELECTED JUDGE, WITH

**APPROPRIATE EXPERIENCE, TO SIT AS A SUPERIOR COURT JUDGE PRO
TEMPORE.**

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

Staff Testimony

Pendle stated passage of this Resolution would support the State legislative effort to call for a Constitutional change to allow a Superior Court Presiding Judge to assign another elected judge as a Pro Tem Judge in Superior Court.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

PROPOSAL NO. 2001-46, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING A MORATORIUM PURSUANT TO THE AUTHORITY AND PROCEDURES SET FORTH IN RCW 36.70A.390 ON NEW CONSTRUCTION ON ALL UNZONED GOVERNMENT LAND ON McNEIL ISLAND OF PIERCE COUNTY, WASHINGTON UNTIL SUCH TIME AS THE COMPREHENSIVE PLAN CLASSIFICATION(S) AND IMPLEMENTING DEVELOPMENT REGULATIONS ARE ADOPTED FOR THAT AREA; REQUIRING A PUBLIC REVIEW HEARING WITHIN SIXTY DAYS; AN DECLARING AN EMERGENCY.

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

Staff Testimony

Long cited the Charter provision that allows for Emergency Ordinances, and stated this Proposal meets the threshold for an emergency. Long pointed out that a public review hearing must be heard on this measure within 60 days of the effective date of this emergency Ordinance, and the specifics of the zoning would be discussed at that time.

Lloyd Fetterly, Deputy Prosecuting Attorney, provided background information on the drafting of the Emergency Ordinance, citing the Findings that are set forth in the Preamble clauses in the Ordinance.

O'Malley pointed out that there is a deed restriction of approximately 2,500 acres of open space on McNeil Island.

In response to Rainwater's recommendations, O'Malley moved

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an amendment in Section 1 to delete the sentence referencing the incorporation of Exhibit "A," and on page 6 of 7 at line 9 insert the word "effective" following the word "the"; motion seconded and passed.

The Chair called for public testimony; there was no response.

Following remarks of Councilmembers in support of this emergency legislation, the Proposal passed as amended on a roll call vote of six to zero.

XI. GENERAL PUBLIC COMMENTS - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 p.m.

Attest:

Clerk of the Council

Approved:

Council Chair

Date Approved