

**MINUTES
PIERCE COUNTY COUNCIL MEETING
APRIL 30, 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: Wendell Brown, Calvin Goings, Harold Moss, Pat O'Malley, Jan Shabro, and Kevin Wimsett; Karen S. Biskey was excused.

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

There were approximately 34 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 March 12, 2002, District No. 7 Council meeting.
 - 2. The minutes of the March 19, 2002, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
 - 1. PROPOSAL NO. 2002-29s, 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

DO PASS AS SUBSTITUTED RECOMMENDATION - PLANNING & ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member/excused; Wendell Brown, Member; Jan Shabro, Member/excused)
Suggested date of Council hearing: May 21, 2002

2. PROPOSAL NO. 2002-45, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO PUBLIC UTILITY DISTRICT NO. 1 OF LEWIS COUNTY, A PUBLIC UTILITY OF THE STATE OF WASHINGTON, FOR LOCATION OF ELECTRIC LINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; REPEALING ORDINANCE NO. 2000-118; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

Sponsored by: Councilmember Pat O'Malley

Contact person: Jerry West, 798-3687

For referral to the Public Works Committee

3. PROPOSAL NO. 2002-23, 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 8, TOWNSHIP 16 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS1-01, MT. RAINIER RADIO CONTROL SOCIETY, C/O WILLIAM BENDER - MCKENNA AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Airyang Julia Park, 798-2783

DO PASS RECOMMENDATION - PLANNING & ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member/excused; Wendell Brown, Member/excused; Jan Shabro, Member)

Suggested date of Council hearing: May 21, 2002

4. PROPOSAL NO. 2002-24, 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 12, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS6-01, RICHARD AND KRISTIN EBERLY - MCKENNA AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Airyang Julia Park, 798-2783

DO PASS RECOMMENDATION - PLANNING & ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member/excused; Wendell Brown, Member/excused; Jan Shabro, Member)

Suggested date of Council hearing: May 21, 2002

5. PROPOSAL NO. 2002-25s, 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 15, TOWNSHIP 19 NORTH, RANGE 6 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS7-01, DOROTHY L. BOWMAN - BUCKLEY AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Airyang Julia Park, 798-2783

DO PASS AS SUBSTITUTED RECOMMENDATION - PLANNING & ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member/excused; Wendell Brown, Member/excused; Jan Shabro, Member)

Suggested date of Council hearing: May 21, 2002

6. PROPOSAL NO. 2002-26, 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 NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS9-01, PERRY BURKHART - GIG HARBOR PENINSULA AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Airyang Julia Park, 798-2783

DO PASS RECOMMENDATION - PLANNING & ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member/excused; Wendell Brown, Member/excused; Jan Shabro, Member)

Suggested date of Council hearing: May 21, 2002

7. PROPOSAL NO. 2002-39s, 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, LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; REQUIRING PUBLIC ACCESS; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS11-01, PUTTING CLASSIC, INC., DOING BUSINESS AS CLASSIC GOLF CLUB - SPANAWAY AREA)

Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julia Park, 798-2783
DO PASS AS SUBSTITUTED RECOMMENDATION - PLANNING &
ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Kevin
Wimsett, Vice Chair; Karen Biskey, Member/excused;
Wendell Brown, Member/excused; Jan Shabro, Member)
Suggested date of Council hearing: May 21, 2002

8. PROPOSAL NO. 2002-47, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH COUNCIL 2, WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, LOCAL 3752 - CORRECTIONAL LIEUTENANTS; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

Sponsored by: Councilmember Wendell Brown
Contact person: Joe Carrillo, 798-6690
For referral to the Rules and Operations Committee
To be heard by the Rules and Operations Committee on
May 13, 2002
Suggested date of Public hearing: May 14, 2002

9. PROPOSAL NO. 2002-48, 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, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS23-01, WILLIAM EMERSON DETERING - SUMMIT-WALLER AREA)

Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julie Park, 798-2783
For referral to the Planning and Environment Committee
To be heard by the Planning and Environment Committee on May 15, 2002
Suggested date of Public hearing: May 28, 2002

10. PROPOSAL NO. 2002-49, 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 6, TOWNSHIP 17 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST19-01, BRIAN P. AND DENISE M. LEMMON - GRAHAM AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Airyang Julie Park, 798-2783
For referral to the Planning and Environment
Committee
To be heard by the Planning and Environment Committee
on May 15, 2002
Suggested date of Public hearing: May 28, 2002

11. PROPOSAL NO. 2002-50, 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, LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS18-01, KENNETH E. AND JUDITH L. AUSTIN - KEY PENINSULA AREA)
Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julie Park, 798-2783
For referral to the Planning and Environment Committee
To be heard by the Planning and Environment Committee on May 15, 2002
Suggested date of Public hearing: May 28, 2002
12. PROPOSAL NO. 2002-51, 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 34, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST22-01, ERICKSON LOGGING, INC. - KAPOWSIN AREA)
Sponsored by: Councilmember Calvin Goings
Contact person: Airyang Julie Park, 798-2783
For referral to the Planning and Environment Committee
To be heard by the Planning and Environment Committee on May 15, 2002
Suggested date of Public hearing: May 28, 2002
13. PROPOSAL NO. 2002-52, 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, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 20 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; REQUIRING LIMITED PUBLIC ACCESS; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS17-01, LEWIS S. AND BETTY S. ANDREWS - KEY

PENINSULA AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Airyang Julie Park, 798-2783

For referral to the Planning and Environment
Committee

To be heard by the Planning and Environment Committee
on May 15, 2002

Suggested date of Public hearing: May 28, 2002

- c. Action on Resolutions (refer, set date of hearing)
- d. Other Items

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

VI . MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY - None

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

PROPOSAL NO. R2002-47, A RESOLUTION OF THE PIERCE COUNTY COUNCIL PROCLAIMING THE WEEK OF MAY 5-11, 2002, TO BE JUROR APPRECIATION WEEK IN PIERCE COUNTY, WA.

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

Judge Frederick Fleming accepted the Proclamation, and thanked the Council for their recognition of the important role of jurors.

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

VIII. ORDINANCES

PROPOSAL NO. 2002-41s3, N ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.54 OF THE PIERCE COUNTY CODE, "DISTRICT COURT DISTRICTING PLAN", TO CONSOLIDATE ALL PIERCE COUNTY DISTRICT COURTS INTO ONE PIERCE COUNTY DISTRICT COURT; AND SETTING EFFECTIVE DATES.

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

O'Malley 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.

Staff Testimony

Long provided an explanation of the effects of the amendment, and responded to questions of Councilmembers.

The amendment passed on a voice vote.

Long provided an overview of the Substitute version of the Ordinance as amended, stating that the effect will be to consolidate all Pierce County District Courts into one District Court, and provide that all eight judges would run County-wide.

Staff Testimony

Judge Jim Heller, Districting Committee Chair, responded to Shabro's question as to a subcommittee being appointed from the Districting Committee to study the option of consolidation. Heller stated that because the Council had drafted an Ordinance addressing the issue, the subcommittee had not been created.

Transue provided fiscal impact information on the District Court consolidation. A copy of his handout is contained in the Ordinance file.

Public Testimony

Doug Butcher spoke in opposition to the Ordinance, stating it would have an adverse impact on the community. He stated he does not feel the cost savings would be realized, and stated he feels that Amendment 2 is in conflict with State statute.

Norma Woodward, representing Ohop Grange #84, stated a court is needed in the Eatonville area to serve the surrounding communities. She stated there is inadequate parking and handicap facilities at the County-City Building.

Judge Paul Treyz, District Court #3, spoke in opposition to the Ordinance. He stated this concept has been offered with no advance warning, and took issue with information in the Fiscal Impact statement provided by Transue.

Ed Wright stated that adoption of this Ordinance would take away services from the Eatonville area, and is opposed to the Ordinance.

Cheryl Weber stated she is opposed to consolidation of District Courts, and asked that the decision be postponed until further study could be done on the issue.

Jake Bujacich, former County Councilmember, stated there will be a loss of revenue that has not been taken into account. He stated he feels that more time is required to reach the best approach to this situation, and agreed that parking at the County-City Building will not be sufficient.

Bob Dick spoke in opposition to the Ordinance. He stated he is not speaking on behalf of the City of Gig Harbor or the Prosecuting Attorney's Office. He stated because the terms and salaries of judges are not being reduced there is no need to do this Ordinance at this time, and it could be considered next year. He stated he does not feel the savings set forth will be realized as anticipated.

In response to Shabro's question, Long stated she feels the Ordinance as it is before Council fulfills the requirements of State law.

Kevin Underwood stated this issue should be addressed at another time. He stated the process has been too short, and consideration should be provided to the Districting Committee's recommendation for further study. He stated he does not feel there is complete information at this time, and that the Council is acting in a rush.

Kurt Salmon expressed a concern about domestic violence court issues if the courts are taken out of the communities. He stated with the addition of tolls on the bridge, witness fees, and overtime pay to law enforcement officers this will be an expensive proposition. He asked that the Council look into the option of combining the District Court in Gig Harbor with the Municipal Court.

Susie Nelson stated she feels the process on this Ordinance has been rushed. She would like to see the Council postpone action until all facts are considered.

Miranda Bodus asked that the Councilmembers pay full attention to the testimony, and keep an open mind. She stated that consolidation of the courts would not serve the public well, and there is a difficulty in finding handicap parking near the County-City Building. The Council should consider the needs of the elderly and handicapped. She stated her father, Kenneth Dart, is also opposed to this Ordinance.

Alton McDonald spoke in support of the Ordinance, stating that consolidation will bring cost savings to the County.

Richard DeJean stated he does not feel the cost savings that have been anticipated will be realized. He is opposed to the Ordinance.

Grace Treyz stated she had taken a poll in her neighborhood, and that everyone she had talked to supports the idea of a local court.

Annie Butcher pointed out that Councilmember Karen Biskey, who represents the Gig Harbor area, had been excused from the meeting, and asked that the Council delay action until Biskey could be available to represent those constituents.

Jeff Day spoke in favor of the Ordinance, stating he feels the County would realize benefits from consolidation. He stated there are other options, such as handling tickets through the mail, and satellite courts.

Kim Shannon stated the issue should be further studied to allow time to gather additional information. She stated there are too many unanswered questions.

Following Councilmembers' remarks regarding the Ordinance and the consolidation of District Courts, Shabro moved adoption of Council Amendment No. 1 as set forth in Attachment II to these minutes; the amendment died for a lack of a second.

The Proposal passed as substituted and amended on a roll call vote of five to one; Shabro voted no.

PROPOSAL NO. 2002-42, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A SALARY ADJUSTMENT FOR THE PART-TIME DISTRICT COURT JUDGE IN DISTRICT NO. 3, EATONVILLE, PURSUANT TO REVISED CODE OF WASHINGTON 43.03.012.

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

Staff Testimony

Long stated that in light of the fact that Proposal No. 2002-41s3 was adopted by the Council, there was no longer a need for this Ordinance.

The Ordinance was defeated on a roll call vote of zero to five; Shabro was excused.

PROPOSAL NO. 2002-44, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL SETTING THE PROPORTION OF FULL-TIME WORK FOR THE PART-TIME DISTRICT COURT JUDGE, POSITION NO. 6, GIG HARBOR (PREVIOUSLY DISTRICT COURT NO. 2) PURSUANT TO REVISED CODE OF WASHINGTON 43.03.012.

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

Staff Testimony

Long stated that in light of the fact that Proposal No. 2002-41s3 was adopted by the Council, there was no longer a need for this Ordinance.

The Ordinance was defeated on a roll call vote of zero to five; Shabro was excused.

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS

1. O'Malley moved to amend the Meeting Schedule for the week of May 6-10, 2002, by changing the meeting time for the Planning and Environment Committee from 10:00 a.m. to 9:00 a.m.; motion seconded and passed.

2. O'Malley moved to amend the Meeting Schedule for the week of May 6-10, 2002, to add a Committee of the Whole Meeting on Tuesday, May 7, 2002, at 11:00 a.m. to continue the hearing on Proposal No. 2002-20 (Parks and Recreation Service fees); motion seconded and passed.

XI. GENERAL PUBLIC COMMENTS

1. Alton McDonald commended the Council for adopting the concept of a combined District Court system, stating he would look forward to the Council achieving additional savings in the future.

2. O'Malley stated he is concerned about the status of the mental health system in the County, stating that the mentally ill are entitled to proper consideration. He asked that an independent audit be made of the Puget Sound Hospital, and stated he would be sponsoring legislation to make that request.

Pierce County Council Meeting
April 30, 2002

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at
5:07 p.m.

Attest:

Gerri Rainwater, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved

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