

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MAY 15, 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 3:10 p.m. by Chair Brown.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Brown.

III. ROLL CALL

Councilmembers Present: Wendell Brown, Calvin Goings, Harold Moss, Pat O'Malley, and Kevin Wimsett; Karen S. Biskey and Jan Shabro were excused.

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

There were approximately 18 visitors present.

IV. APPROVAL OF AGENDA

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

Moss moved that the Council reconsider Ordinance No. 2000-57s for the purpose of amending page 3 to insert an effective date; motion seconded and passed.

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.

Moss moved adoption; motion seconded. The Clerk read the title into the record. Moss moved an amendment on page 3 of the Ordinance at line 6 to inset the effective date of July 1, 2001; motion seconded and passed.

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

V. CONSENT AGENDA

- a. Approval of Minutes
 - 1. The minutes of the March 6, 2001, Regular Council Meeting
- b. Action on Ordinances (refer, set date of hearing)
- c. Action on Resolutions (refer, set date of hearing)
 - 1. PROPOSAL NO. R2001-80, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENTION AND THE NECESSITY TO ESTABLISH AN ALIGNMENT FOR A NEW COUNTY ROAD IN THE VICINITY OF RHODES LAKE ROAD EAST FROM SR-162 TO 198TH AVENUE EAST, LOCATED IN THE VICINITY OF THE SOUTHERN BOUNDARY OF THE CITY OF BONNEY LAKE; AND DIRECTING THE COUNTY ENGINEER TO REPORT UPON SUCH PROJECT.
Sponsored by: Councilmember Harold Moss
Contact Person: Ramiro Chavez, 798-2762
For referral to the Public Works Committee
- d. Other Items
 - 1. Motion to approve the recommendation of the Risk Management and Special Deputy Prosecuting Attorney regarding Pierce County Cause No. 98-2-7657-2.

Moss moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of five to zero.

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

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

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American Public Works Association Award Presentation to John Trent, Director of Public Works and Utilities; continued to May 21, 2001.

PROPOSAL NO. R2001-83, A RESOLUTION PROCLAIMING THE DAY OF WEDNESDAY, JUNE 27, 2001, AS "HALL OF FAME VOTER DAY" IN PIERCE COUNTY, WASHINGTON.

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

Cathy Pearsall-Stipek, County Auditor, accepted the Proclamation on behalf of Hall of Fame Voters, stating they would be honored at a reception on June 27 at the Tacoma Dome, and Councilmembers are invited to participate.

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

PROPOSAL NO. R2001-84, A RESOLUTION OF THE PIERCE COUNTY COUNCIL PROCLAIMING THE DAY OF SATURDAY, JUNE 23, 2001, AS "SCOTTISH HERITAGE DAY" IN PIERCE COUNTY, WASHINGTON.

Moss moved adoption; motion seconded. The Clerk read the Proclamation into the record. The Chair instructed the Clerk to mail the Proclamation to the requesting parties. The Proposal passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-79, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY CONSERVATION FUTURES CITIZENS' ADVISORY BOARD (DIANE KERLIN); AND AMENDING RESOLUTION NO. R2001-49, THE APPOINTMENT OF LEONARD BAUER, PATRICIA CLIFFORD, ROXY GIDDINGS, GEORGE HESS, JACK AVRIL, AND WILLIAM VANDERPAS, BY CORRECTING THEIR TERM EXPIRATION DATES FROM APRIL 30, 2004, TO APRIL 30, 2005.

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

Moss moved adoption of R2001-79s; motion seconded. The Clerk read the substitute title into the record: A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF FIVE NEW MEMBERS TO THE PIERCE COUNTY CONSERVATION FUTURES CITIZENS' ADVISORY BOARD (DIANE KERLIN, ALLEN ZULUAF, ROBERT EVANS, RENEE LANG, AND RENE LOCKHART); AND AMENDING RESOLUTION NO. R2001-49, THE APPOINTMENT OF LEONARD BAUER, PATRICIA CLIFFORD, ROXY GIDDINGS, GEORGE HESS AND JACK AVRIL, BY CORRECTING THEIR TERM EXPIRATION DATES FROM APRIL 30, 2004, TO APRIL 30,

2005.

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

PROPOSAL NO. R2001-81, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF TWO EXISTING MEMBERS TO THE PIERCE COUNTY PLANNING COMMISSION. (WALTER BALMER AND J. LEONARD DAY)

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

Brown spoke in support of the reappointment of J. Leonard Day, stating he has represented District 5 well, and Brown commended the members for their long hours of work while serving on the Planning Commission.

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

VIII. ORDINANCES

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.

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

Wimsett moved adoption of Council Amendment No. 1 as set forth in Attachment I to these minutes, and read the amendment into the record; motion seconded.

Staff Testimony

Transue provided an explanation of the amendment, stating he has been working with Councilmember Wimsett on a form that could be used by the County Council in receiving fiscal information on proposed legislations.

In response to Goings' question as to when the form will be ready for the Council, Wimsett stated they are looking at what other jurisdictions are preparing and hope to have something back to the Council within two months. They also hope to have the form on a computer-based format. Goings thanked Wimsett for taking the lead on this issue, stating it is a step in the right direction for receiving fiscal information.

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. 2001-18, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CANCELING CERTAIN UNCOLLECTIBLE PERSONAL PROPERTY TAXES.

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 as amended on a roll call vote of five to zero.

PROPOSAL NO. 2001-19, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2000-93s2, AND MODIFYING THE 2001 BUDGET FOR THE SHERIFF'S DEPARTMENT, THE COMMUNICATIONS DEPARTMENT, THE PARKS AND RECREATION SERVICES DEPARTMENT, SPECIAL PROJECTS, AND THE RAINIER COMMUNICATIONS COMMISSION FUND.

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 II to these minutes; motion seconded.

Staff Testimony

In response to Goings' question, Patrick Kenney, Budget and Finance Department, stated the \$98.00 contained in the amendment relates to property taxes received from the State. He stated it is a fixed amount that should not change unless something unforeseen causes a supplement to the tax rolls.

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. 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)

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 III to these minutes; motion seconded.

The Clerk read the amendment into the record, stating that the amendment would be the same for the following three proposals to insert a date of Committee hearing and a date of Council hearing. 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.

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)

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.

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. 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

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**EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT.
(APPLICATION NO. OST6-00, KAREL A. PELTRAM - ORTING AREA)**

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 V to these minutes; 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. 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)**

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 VI to these minutes; 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. 2001-32s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE 2001-2006 TRANSPORTATION IMPROVEMENT PROGRAM AND 2001-2014 FOURTEEN-YEAR FERRY PROGRAM, TO INCLUDE THE 86TH AVENUE EAST PROJECT, FROM 176TH STREET EAST TO 170TH STREET EAST, PURSUANT TO REVISED CODE OF WASHINGTON SECTION 36.81.121, AND CHAPTER 136-15 WASHINGTON ADMINISTRATIVE CODE 136, CHAPTER 15; FINDING THAT THIS PROJECT IS A PUBLIC NECESSITY; AUTHORIZING THE PROSECUTING ATTORNEY TO COMMENCE CONDEMNATION PROCEEDINGS TO ACQUIRE REAL PROPERTY FOR THE CAPITAL IMPROVEMENT PROJECT CONTAINED IN THE AMENDMENT; AND ADOPTING FINDINGS OF FACT.

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 VII to these minutes; motion seconded.

The Clerk read the amendment into the title and pointed out an amendment to the amendment should be made in subsection 3 of the amendment to change the words "Council Council" to "County Council."

Wimsett moved an amendment to the amendment to delete "Council" and insert "County"; motion seconded and passed.

Staff Testimony

Tom Ballard, County Engineer, reviewed the effect of the amendments, stating it would add another project at Sunrise Boulevard on 122nd Avenue East. He stated the project would be funded through a shift of revenue in the Miscellaneous category, and through outside grants.

The amendment passed as amended. The Chair called for public testimony; there was no response.

Staff Testimony

Long stated that state law requires an unanimous vote of the members present on any change to the Annual Road Program.

The Proposal passed as amended on a roll call vote of five to zero.

IX. RESOLUTIONS

PROPOSAL NO. R2001-43s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REPEALING RESOLUTION NO. R2000-168; 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.

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

Moss moved that the Proposal be continued to the Council's meeting of June 5, 2001; motion seconded and passed.

Rainwater pointed out this is an evening meeting in District No. 1 at 7:00 p.m.

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.

Moss moved that the Proposal be postponed indefinitely; motion seconded and passed.

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Moss moved approval of the Meeting Schedule for May 21-25, 2001, and the May 22, 2001, Council Agenda; motion seconded and passed.

XI. GENERAL PUBLIC COMMENTS

Alton McDonald testified that he felt Absher-Kitchell Construction does not hire enough minority workers. He stated he had visited the jail construction site, and the individuals he talked to were rude. Brown asked that Mr. McDonald speak with the Council Attorney regarding this issue.

