

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
MAY 21, 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 3:12 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, Wendell Brown, Calvin Goings, Harold Moss, and Jan Shabro. Pat O'Malley and Kevin Wimsett were excused.

Council Staff Present: Sandy Bassett, Deputy Clerk; Anna Graham, Research Analyst; Susan Long, Legal Counsel; Michael Transue, Budget Consultant; Rip Collins, Councilmember Assistant; and Tom Weber, Administrator / Research & Policy.

There were approximately 19 visitors present.

**IV. APPROVAL OF AGENDA**

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

**V. CONSENT AGENDA**

- a. Approval of Minutes
- b. Action on Ordinances (refer, set date of hearing)
  1. PROPOSAL NO. 2002-20s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 14.20 OF THE PIERCE COUNTY CODE, PARKS AND RECREATION SERVICES FEES, BY AMENDING FEE SCHEDULES, ADDING NEW FEES FOR PARKS AND RECREATION ACTIVITIES AND FACILITIES; AND ESTABLISHING AN EFFECTIVE DATE FOR THE NEW FEES.  
Sponsored by: Councilmember Harold Moss

Pierce County Council Meeting Minutes  
May 21, 2002

Contact person: Janel Kirlich, 798-4008  
DO PASS AS SUBSTITUTED RECOMMENDATION - COMMITTEE  
OF THE WHOLE (Harold Moss, Chair; Pat O'Malley,  
Vice Chair; Wendell Brown, Executive Pro Tempore;  
Karen Biskey, Councilmember; Calvin Goings,  
Councilmember; Jan Shabro, Councilmember/excused;  
Kevin Wimsett, Councilmember)  
Suggested date of Council hearing: June 25, 2002

2. PROPOSAL NO. 2002-32, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO SHORE ACRES 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 Pat O'Malley  
Contact person: Jerry West, 798-3687  
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member; Calvin Goings, Member, Harold Moss, Member)  
Suggested date of Council hearing: June 25, 2002
3. PROPOSAL NO. 2002-35, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO THE TOWN OF STEILACOOM FOR LOCATION OF ELECTRIC LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY.  
Sponsored by: Councilmember Pat O'Malley  
Contact person: Jerry West, 798-3687  
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member; Calvin Goings, Member, Harold Moss, Member)  
Suggested date of Council hearing: June 25, 2002
4. PROPOSAL NO. 2002-58, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 2001-9 WHICH GRANTED A TELECOMMUNICATIONS FRANCHISE TO ELECTRIC LIGHTWAVE, INCORPORATED.  
Sponsored by: Councilmember Pat O'Malley  
Contact person: Hudson Stansbury, 798-7477  
For referral to the Public Works Committee
5. PROPOSAL NO. 2002-59, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 12.32 OF THE PIERCE COUNTY CODE, TO COMPLY WITH THE TELECOMMUNICATIONS ACT OF 1996, AS INTERPRETED BY THE NINTH CIRCUIT U. S. COURT OF APPEALS.  
Sponsored by: Councilmember Pat O'Malley  
Contact person: Hudson Stansbury, 798-7477

- For referral to the Public Works Committee
6. PROPOSAL NO. 2002-60, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 12.34 OF THE PIERCE COUNTY CODE, TO COMPLY WITH THE TELECOMMUNICATIONS ACT OF 1996, AS INTERPRETED BY THE NINTH CIRCUIT U. S. COURT OF APPEALS.  
Sponsored by: Councilmember Pat O'Malley  
Contact person: Hudson Stansbury, 798-7477  
For referral to the Public Works Committee
  7. PROPOSAL NO. 2002-61, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTIONS 2.78.030 AND 2.78.040, TO AUTHORIZE MEMBERS OF THE PLANNING COMMISSION TO COMPLETE THEIR APPOINTED TERMS OF OFFICE IN THE EVENT OF A CHANGE OF COUNCIL DISTRICT BOUNDARIES.  
Sponsored by: Councilmembers Harold Moss and Wendell Brown  
Contact person: Lloyd Fetterly, 798-6732  
For referral to the Rules & Operations Committee
  8. PROPOSAL NO. 2002-62, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE FOR ELECTRIC LIGHTWAVE, INC, FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY IS 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 VIOLATIONS OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE AGREEMENT.  
Sponsored by: Councilmember Pat O'Malley  
Contact person: Hudson Stansbury, 798-7477  
For referral to the Public Works Committee
  9. PROPOSAL NO. 2002-63, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 92-73s; AND ADOPTING NEW VOTING PRECINCT BOUNDARY MAPS, PURSUANT TO CHAPTER 29.04 REVISED CODE OF WASHINGTON.  
Sponsored by: Councilmember Harold Moss  
Contact person: Cathy Pearsall-Stipek, 798-3189  
Suggested date of Council hearing: June 4, 2002

c. Action on Resolutions (refer, set date of hearing)

1. PROPOSAL NO. R2002-55, A RESOLUTION OF THE PIERCE

COUNTY COUNCIL DECLARING ITS INTENT TO VACATE A PORTION OF BARKUBEIN COUNTY ROAD EAST (226TH AVENUE EAST), WHICH IS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE BONNEY LAKE AREA; AND DIRECTING THE COUNTY ENGINEER TO EXAMINE THE INTENDED VACATION, AND REPORT THE FINDINGS AND CONCLUSIONS THEREOF TO THE COUNCIL. (**Clerk's Note:** The Agenda contained a typo on this Proposal number and it was shown as R2002-58 on the Agenda.)  
Sponsored by: Councilmember Pat O'Malley  
Contact person: Jennifer Andres, 798-2720  
For referral to the Public Works Committee

d. Other Items

Brown moved approval of the Consent Agenda; motion seconded and passed on 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 May 8, 2002; was read into the record:

ORDINANCE NO. 2002-41s3, AN 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.

**VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS - None**

**VIII. ORDINANCES**

**PROPOSAL NO. 2002-46, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, AS AMENDED; ESTABLISHING AN EMPLOYEES' ASSISTANCE PROGRAM FUND AND A FEDERAL FOREST SERVICES FUND; PROVIDING FOR A 2002 BUDGET APPROPRIATION FOR THOSE FUNDS; AND INCREASING THE 2002 BUDGET FOR THE 9-1-1 SYSTEM FUND.**

Brown moved adoption of Proposal No. 2002-46; motion seconded. The Clerk read the title into the record.

Staff testimony:

Michael Transue provided an overview of the Proposal and reviewed the appropriations and the revenue source for each of the funds being recommended.

Pat Kenney, the Director of Budget and Finance, responded to questions from Councilmembers.

Public testimony:

Michael Nelson questioned the establishment of the Employee Assistance Fund during the current shortfall. At the request of the Chair, Transue responded that it is the Executive's recommendation that left over funds be used to fund the Employee Assistance Fund for the next three years.

Proposal No. 2002-46 passed on a roll call vote of five to zero.

**PROPOSAL NO. 2002-36, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CANCELING CERTAIN UNCOLLECTIBLE PERSONAL PROPERTY TAXES.**

Brown moved adoption of Proposal No. 2002-36; motion seconded. The Clerk read the title into the record.

Staff testimony:

Jack Rusler, Budget and Finance, explained that this is the annual write-off required by statute. He said the amount is not unusual.

The Chair called for public testimony; there was none.

Proposal No. 2002-36 passed on a roll call vote of five to zero.

**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)**

Brown moved adoption of Proposal No. 2002-23; motion seconded. The Clerk read the title into the record.

Staff testimony:

Airyang Julia Parks, Planning and Land Services (PALS) explained the Proposal. She indicated this application received the unanimous approval of the Planning Commission.

The Chair called for public testimony; there was none.

Proposal No. 2002-23 passed on a roll call vote of five to zero.

**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**

Brown moved adoption of Proposal No. 2002-24; motion seconded. The Clerk read the title into the record.

Staff testimony:

Airyang Julia Parks said this application is a transfer from Farm/Agricultural Land and Forest Land. They are requesting the entire property be placed in the Open Space Classification.

The Chair called for public testimony; there was none.

Proposal No. 2002-24 passed on a roll call vote of five to zero.

**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)**

Brown moved adoption of Proposal No. 2002-25s; motion seconded. The Clerk read the title into the record.

Staff testimony:

Airyang Julia Parks reported that this property being requested for Open Space Classification consists of two vacant parcels next to South Prairie Creek.

The Chair called for public testimony; there was none.

Proposal No. 2002-25s passed on a roll call vote of five to zero.

**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)**

Brown moved adoption of Proposal No. 2002-26; motion seconded. The Clerk read the title into the record.

Staff testimony:

Airyang Julia Parks explained the Proposal and described the site as being wooded and used for raising goats.

Proposal No. 2002-26 passed on a roll call vote of five to zero.

**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)**

Brown moved adoption of Proposal No. 2002-39s; motion seconded. The Clerk read the title into the record.

Staff testimony:

Airyang Julia Parks explained that privately owned golf courses are allowed in the Open Space Classification with a low to medium priority. She said the request doesn't qualify for the full points and noted that public access is required. Parks said the Planning Commission approved 118 acres out of the 121-acre site, which excludes parking lots, storage areas, etc.

Public testimony:

Michael Nelson asked about the meaning of public access. Moss responded that the public must not be blocked from going on the land.

Proposal No. 2002-39s passed on a roll call vote of five to zero.

**PROPOSAL NO. 2002-6, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.64.040 OF THE PIERCE COUNTY CODE, "JURISDICTION AND AUTHORITY", ADJUSTING THE JURISDICTIONAL BOUNDARIES OF THE FREDERICKSON ADVISORY COMMISSION.**

Brown moved adoption of Proposal No. 2002-6; motion seconded. The Clerk read the title into the record.

Staff testimony:

Anna Graham described the Proposal and reported that there is an amendment to change the south boundary to be consistent with the boundary of the Graham Advisory Commission.

Brown moved Council Amendment No. 1 on the tan (**Attachment 1** to these minutes); motion seconded. Moss read the amendment into the record. Graham said both Community Planning Boards have agreed upon the to move the boundary from the south right-of-way line of 208<sup>th</sup> to the centerline of 208<sup>th</sup>.

The Chair called for public testimony; there was none. Amendment 1/Attachement 1 passed on a voice vote.

There being no additional testimony, Proposal No. 2002-6, as amended, passed on a roll call vote of five to zero.

**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.**

Brown moved adoption of Proposal No. 2002-29s; motion seconded. The Clerk read the title into the record.

Staff testimony:

Anna Graham said, in addition to the change just discussed in 2002-6, this Proposal expands the Graham Advisory Commission area to the east and south and makes an adjustment so that the Sunrise development is outside the Graham Advisory Commission boundaries. In response to a question from Shabro, Graham said the Commission identified the additions to the eastern side as being important to the community.

Public Testimony:

William "Bud" Rehberg, Chair of the Graham Advisory Commission, said an addition to the northeast was at the request of a person who asked to be included within the boundaries. He said most of the other boundary adjustments were to avoid dividing communities and should make it easier

for both Graham and the County.

Proposal No. 2002-29s passed on a roll call vote of five to zero.

**PROPOSAL NO. 2002-30s, 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.**

Brown moved adoption of Proposal No. 2002-30s; motion seconded. The Clerk read the title into the record.

Staff testimony:

Jan Wolcott, Director of Parks and Recreation Services, said the updated Comprehensive Park and Recreation Plan meets Growth Management Act (GMA) requirements that counties identify the location of lands that might be useful for park and recreation purposes. This Plan update also conforms to the standards set by the Inter Agency Committee for Outdoor Recreation (IAC), a grant clearinghouse for the State of Washington. Wolcott said the Plan addresses many issues, including: levels of service for regional parks, policy guidance for prioritizing park expenditures, user fees, transfer of park properties, control and management of inter-local agreements, the allocation of the new sales tax revenue, and goals for park improvements. The Plan also includes a public participation process for the decision-making process for parks.

Brown moved Council Amendment No. 1 on the Yellow (**Attachment 2** to these minutes); motion seconded. Graham read the proposed amendments.

Public testimony:

Randy Boss, member of the Peninsula Advisory Board, questioned the two documents labeled Exhibit "B." Graham explained that one of the documents is the Technical Appendix.

Amendment No. 1/Attachment 2 passed on a voice vote.

Brown moved Council Amendment No. 2 on the Pink (**Attachment 3** to these minutes); motion seconded. Tom Weber explained that the amendment changes the process and requires two public hearings when listing projects. Weber read language designed for use when identifying additional projects.

Biskey moved to amend Amendment No. 2, Item 5, line 2, by changing the word "two" public hearings to "one." Biskey noted the group could still choose to have additional public hearings. Brown said the "s" should be removed from the "hearings." Biskey agreed.

Public testimony:

Randy Boss thanked the Council for including public process language in the Park Plan.

The amendment to Amendment No. 2 passed on a voice vote. Amendment No. 2/Attachment 3, as amended, passed on a voice vote.

Brown moved Council Amendment No. 3 on the Lime (**Attachment 4** to these minutes); motion seconded. Weber explained that this amendment would remove the cost of living factor and add language calling for an annual review of the fees.

Following discussion on the cost of living issue by Councilmembers, the Chair called for public testimony on the amendment; there was none. Amendment No. 3/Attachment 4 passed on a voice vote.

Goings asked for clarification on Amendment No. 2. He said items 1-3 are about future plans and asked if items 4 and 5 are for future plans as well. Weber responded yes.

Biskey said this is a long-awaited document. She congratulated and thanked the Parks Department for their work.

Public testimony:

Michael Nelson suggested including parks with tents and hot showers which could be used as a safety net for those living on the street.

Randy Boss congratulated the Parks Department on the drafting one of the best Park Plans he's seen. Boss said it gives us a sense of where we're served or under-served.

Jan Wolcott, in response to Nelson's suggestion to include a campground, said the Department may be coming to the Council regarding the installation of a campground and recreational vehicle park at Frontier Park.

Proposal No. 2002-30s, as amended, passed on a roll call vote

of five to zero.

**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.**

Brown moved adoption of Proposal No. 2001-62s; motion seconded. The Clerk read the title into the record.

Biskey moved to postpone Proposal No. 2001-62s indefinitely; motion seconded. The motion to postpone passed on a voice vote.

#### **IX. RESOLUTIONS**

**PROPOSAL NO. R2002-45, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REQUESTING THE PIERCE COUNTY SHERIFF TO ADOPT AND SET IN PLACE ADMINISTRATIVE POLICIES RELATING TO RACIAL PROFILING IN POLICING.**

Brown moved adoption of Proposal No. R2002-45; motion seconded. The Clerk read the title into the record.

Staff testimony:

Sheriff Paul Pastor urged passage of the Resolution. Pastor reported that, in August of 2002, the Sheriff's Department and the Deputy Sheriff's Guild put together a policy against racial profiling. A training program has been developed and was finalized in January of 2002.

Public testimony:

Alton McDonald spoke in favor of the Proposal and urged its passage. Brown thanked McDonald for his tenacity with regard to this issue.

Proposal No. R2002-45 passed on a roll call vote of five to zero.

#### **X. OTHER BUSINESS/ANNOUNCEMENTS - None**

#### **XI. GENERAL PUBLIC COMMENTS**

1. Randy Boss said he came to speak on 2001-62 and expressed his concern that there may be two Park and Recreation Plans in effect in Gig Harbor. Susan Long responded, stating that Ordinance No. 2002-30s repealed the other Park Plan in existence and therefore Proposal

No. 2001-62 is unnecessary.

2. Alton McDonald thanked the Council for passing the Resolution on racial profiling (R2002-45).
3. Michael Nelson commented that the war on drugs is very expensive for Pierce County residents. He said it fuels break-ins and makes illegal drugs very expensive.

**XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:25 p.m.

Attest:

Sandy Bassett, Deputy Clerk of the Council

Approved:

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Harold Moss, Council Chair

Date Approved

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