

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JUNE 11, 2002**

SPANAWAY LAKE HIGH SCHOOL AUDITORIUM
1305 - 168TH STREET EAST
SPANAWAY, WASHINGTON
(COUNCIL DISTRICT NO. 3)

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(Note: These minutes are not verbatim. Recorded tapes are available upon request.)

I. CALL TO ORDER

The District No. 3 meeting of the Pierce County Council was called to order at 7:00 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss.

Moss explained that the Charter requires that each District conduct an evening meeting each year. Moss passed the gavel to Host Councilmember Wimsett.

III. ROLL CALL

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

Council Staff Present: Anna Graham, Research Analyst; Susan Long, Legal Counsel; Linda Medley, Legal Clerk; Gerri Rainwater, Administrator/Clerks & Operations; Mary Sherman, Councilmember Assistant; Tom Weber, Administrator/Research & Policy; and Christine Wilson, Councilmember Assistant.

There were approximately 160 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 April 23, 2002, regular Council meeting.
2. The minutes of the April 30, 2002, regular Council meeting.

b. Action on Ordinances (refer, set date of hearing)

Pierce County Council Meeting
June 11, 2002

1. PROPOSAL NO. 2002-66, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2. OF ORDINANCE NO. 2000-38, WHICH VACATED A PORTION OF CRESCENT VALLEY CUT-OFF RIGHT-OF-WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE GIG HARBOR AREA, TO CORRECT A LEGAL DESCRIPTION.
Sponsored by: Councilmember Pat O'Malley
Contact person: Jennifer Andres, 798-2720
For referral to the Public Works Committee
2. PROPOSAL NO. 2002-67, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2. OF ORDINANCE NO. 99-75, WHICH VACATED A PORTION OF 103RD STREET EAST IN THE SUMMIT AREA (A. P. JOHNSON'S ESTATES), TO CORRECT A LEGAL DESCRIPTION.
Sponsored by: Councilmember Pat O'Malley
Contact person: Jennifer Andres, 798-2720
For referral to the Public Works Committee
3. PROPOSAL NO. 2002-68, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2. OF ORDINANCE NO. 2000-3, WHICH VACATED A PORTION OF 162ND STREET SOUTH, WHICH IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE SPANAWAY AREA, TO CORRECT A LEGAL DESCRIPTION.
Sponsored by: Councilmember Pat O'Malley
Contact person: Jennifer Andres, 798-2720
For referral to the Public Works Committee
4. PROPOSAL NO. 2002-69, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ESTABLISHING A WEIGHT RESTRICTION OF TEN TONS ON KAPOWSIN HIGHWAY, FROM ORTING-KAPOWSIN HIGHWAY EAST TO STATE ROUTE 161, DURING THE PERIOD OF _____, 2002, TO _____, 2002, INCLUSIVE.
Sponsored by: Councilmember Pat O'Malley
Contact person: Jerry West, 798-3687
For referral to the Public Works Committee
5. PROPOSAL NO. 2002-70, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86S3, AS AMENDED, BY INCREASING THE 2002 BUDGET FOR THE SUPERIOR COURT (BREAKING THE CYCLE PROGRAM), AND THE SOLID WASTE MANAGEMENT FUND.
Sponsored by: Councilmember Pat O'Malley
Contact person: Patrick Kenney, 798-7450
For referral to the Rules & Operations Committee
6. PROPOSAL NO. 2002-19s3, AN ORDINANCE OF THE PIERCE

COUNTY COUNCIL AMENDING SECTIONS 5.24.020, 5.24.030, 5.24.050, 5.24.060, 6.04.020 AND 6.04.030 OF THE PIERCE COUNTY CODE RELATIVE TO FEES FOR KENNELS, CATTERIES, GROOMING PARLORS, PET SHOPS, AND PET LICENSES; ADDING A DEFINITION FOR BOARDING KENNELS AND CATTERIES; ADDING A BI-ANNUAL FINANCIAL REQUEST FOR SERVICE AND PERMIT DATA REPORTING REQUIREMENTS; AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmember Harold Moss

Contact person: Patrick Kenney, 798-7450

DO PASS AS SUBSTITUTED RECOMMENDATION - RULES AND OPERATIONS COMMITTEE (Harold Moss, Chair; Pat O'Malley, Vice-Chair; Wendell Brown, Member/excused)

Suggested date of Council hearing: June 25, 2002

7. PROPOSAL NO. 2002-73, 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; SETTING EFFECTIVE DATES; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmember Harold Moss

Contact person: Susan Long, 798-6068

Suggested date of Council hearing: July 2, 2002

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

1. PROPOSAL NO. R2002-67, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONSENTING TO THE TRANSFER OF CONTROL OF CABLE FRANCHISES FROM AT&T BROADBAND TO AT&T COMCAST CORPORATION.

Sponsored by: Councilmember Pat O'Malley

Contact person: Shawn Bunney, 798-3388

For referral to the Rules & Operations Committee

To be heard by the Rules & Operations Committee on June 24, 2002

Suggested date of Council hearing: June 25, 2002

- d. Other Items

1. Motion authorizing the Chair of the Council to jointly convene, with the Chairs of the Metropolitan King County and Snohomish County Councils, the first meeting of the Regional Transportation Investment District Planning Committee meeting, to be held on June 19, 2002, from 5:00 to 7:00 p.m. at the Best Western Bellevue Inn, Bellevue, Washington.

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

PROPOSAL NO. R2002-68, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING RESOLUTION NO. R2002-2s, BY ADDING COUNCILMEMBER KEVIN WIMSETT AS A MEMBER OF THE WASHINGTON STATE ASSOCIATION OF COUNTIES BOARD OF DIRECTORS.

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

Moss stated he serves as an officer of the Association of Counties, and because of that office is on the Board of Directors. He is recommending that Councilmember Wimsett be appointed to fill the vacant position.

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

PROPOSAL NO. R2002-69, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY PLANNING COMMISSION. (JOHN PURBAUGH)

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 five to zero.

IX. RESOLUTIONS

PROPOSAL NO. R2002-62s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE CHAIR OF THE PIERCE COUNTY COUNCIL TO ENTER INTO AN AGREEMENT FOR PERSONAL SERVICES OF THE PIERCE COUNTY HEARING EXAMINER AND DEPUTY HEARING EXAMINERS FOR A ONE-YEAR TERM FROM JULY 1, 2002, THROUGH JUNE 30, 2003; AND AUTHORIZING THE DIRECTOR OF BUDGET AND FINANCE TO DISBURSE EXPENDITURES FROM THE SPECIAL PROJECTS BUDGET.

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

Moss explained approval of this Resolution would ratify an annual contract for the Hearing Examiner. The contract is accomplished through a competitive bid process.

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

PROPOSAL NO. R2002-63, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING THE SCOPE OF WORK FOR COUNTY COUNCIL GOVERNMENT ACCESS PROGRAM, AS ADOPTED BY RESOLUTION NO. R2001-122s, AND APPROVING A SLATE OF "COUNCIL CONNECTION" PROGRAM TOPICS PROPOSED BY THE RAINIER COMMUNICATIONS COMMISSION FOR PRODUCTION.

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

Staff Testimony

Marc Pease, Director of the Rainier Media Center, stated passage of this Resolution would amend the scope of work for the County Council government access program, and approval a slate of "Council Connection" program topics proposed by the Rainier Communications Commission for production. Pease provided an overview of Exhibits "A" and "B" to the Resolution, and responded to questions of Councilmembers.

Public Testimony

Michael Nelson stated he attempted to watch the rebroadcast of the Tacoma City Council meeting on Saturday at 7 p.m., but it was not aired. He stated there should be more frequent reruns of the Tacoma City Council meetings.

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

At 7:30 p.m. the Chair meeting recessed; at 7:35 p.m. the meeting reconvened.

VIII. ORDINANCES

PROPOSAL NO. 2002-21s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 19B.40 OF THE PIERCE COUNTY CODE, THE PARKLAND SPANAWAY COMMUNITY COMPREHENSIVE PLAN; ADOPTING A NEW CHAPTER 19B.40 OF THE PIERCE COUNTY CODE, THE PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN; AMENDING THE PIERCE COUNTY COMPREHENSIVE PLAN, TITLE 19A OF THE PIERCE COUNTY CODE, TO INCORPORATE THE DESIGNATIONS AND POLICIES OF THE PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Graham provided an overview of the process that had brought this Plan to the Council for adoption. She submitted a document "Meetings/Workshops/Hearings" for the Community Plan setting forth the various meetings that had been conducted. A copy of that handout is contained in the Ordinance file.

Graham referenced a letter from Chuck Kleeberg, Director of Planning and Land Services, and the County's Environmental Official, stating that the amendments are consistent with the environmental review. A copy of Kleeberg's letter is contained in the Ordinance file.

Graham referenced a letter from the County Executive to the Council regarding proposed amendments. A copy of that letter is contained in the Ordinance file.

Moss moved adoption of Council Amendment No. 1 as set forth in Attachment I to these minutes; motion seconded. Graham provided an explanation of this technical amendment. The Chair called for public testimony; there was no response. The amendment passed on a voice vote.

Moss moved adoption of Council Amendment No. 2 as set forth in Attachment II to these minutes; motion seconded.

Moss stated he had sponsored this amendment in response to concerns about the lack of addressing the business community, and the inclusion of the commercial and industrial redevelopment strategy. He stated this amendment is being offered in a direct response to a concern expressed by Councilmember Brown.

Public Testimony

Norm LeMay, Chair of the Pierce County Redevelopment Task Force, stated he is concerned about the potential results of this amendment, and that there will not be enough space for small lots to redevelop.

Kathy Rudolph, Board of Realtors, spoke in support of the amendment.

Scott McIlheny spoke in support of the amendment.

Hermine Soler thanked the Council for initiating the Plan process, and stated she is glad there will be a task force established.

Jan Schmalenberg spoke in support of the amendment.

Robert Duris stated he is concerned about potential impacts on the environment, and urged the Council to pass the Plan.

James Bailey stated he has been the victim of a prior Land Use Plan, and stated he is in favor of this amendment.

Following Councilmembers' remarks, the amendment passed on a voice vote.

Moss moved adoption of Council Amendment No. 3 as set forth in Attachment III to these minutes; motion seconded.

Staff Testimony

Graham provided an explanation of the amendment, stating that it creates a new zone, but the areas for the new zone have not been identified. Brown stated he had offered this amendment in response to proliferation of large apartment complexes in this area.

Public Testimony

Kathy Rudolph, Board of Realtors, spoke in support of the amendment.

Laura Roberts had a question regarding the zoning classification. Wimsett stated questions would be addressed by Staff.

Chief Jack Andrew, Central Pierce Fire Protection, stated a concern that road widths are addressed to be adequate for emergency vehicles. He stated 12 units per lot would probably be too many, and adequate road space access right-of-way would not be provided.

Mary Maville stated she had the same concern about emergency vehicle access, and also a concern about this zoning being next to a neighborhood center.

Dave Batker stated a concern that high-density single-family housing not be implemented where apartments are allowed.

Scott McIlheny asked that the amendment be brought forth during the two-year annual amendment cycle.

In response to Goings' question, Kleeberg stated the amendment does not change the SEPA review that had been submitted.

The amendment passed on a voice vote.

Lt. Gallagher, McChord Air Force Base, thanked the Council for the Community Plan process. He stated the Base has a concern regarding the accident protection zones that have been identified by McChord, and urged the County not to allow high-density development near those zones. Gallagher responded to questions of Councilmembers.

Brown pointed out that Council Amendment No. 3 would hopefully address that issue.

The amendment passed on a voice vote.

Public Hearing on Proposal No. 2002-21s as Amended

Mark LaRiviere thanked the Council for charging the community with drafting their Plan, especially Wendell Brown and Ken Madsen for setting the process in place four years ago. He urged Council's adoption.

The following individuals spoke in support of the Plan as amended:

Chris Anders, Ione Clagett, Nell Batker, Jennifer Womboldt, Jim Akers, David Ardis, Cindy Beckett, Mary Maville, Tim Cody, Scott McIlheny (a copy of his written testimony is contained in the Ordinance file), Barbara Springer, Kathleen Jones, Dave Batker, Brian Flint (representing the Tahoma Audubon Society), Diane Tollefson, Chris Mueller, Rex Tsatshsky (he was opposed to the Midland community being split), Michael Kemp, Carl Liebig, Rick Clark, Mel Townsend, Al Downs, Julie Fallon, and Ron McClain. (The following people submitted written testimony to the Clerk: Rick Clark, Howie Clark, Diane Tollefson, and Kathy Jones.)

The following individuals spoke in opposition to the Plan as amended:

Michael Nelson, Bob Kemp, and Tiffany Speir.

Following Councilmembers' remarks, the Proposal passed as substituted and amended on a roll call vote of five to zero.

PROPOSAL NO. 2002-22s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN; AMENDING TITLE 18 OF THE PIERCE COUNTY CODE (PCC), "PIERCE COUNTY DEVELOPMENT REGULATIONS - GENERAL PROVISIONS;" AMENDING CHAPTER 18A.25 "ZONE CLASSIFICATIONS AND USE TABLES" CHAPTER 18A.35 "DEVELOPMENT STANDARDS", AND CHAPTER 18A.75 "USE PERMITS"; AMENDING THE PIERCE COUNTY ZONING ATLAS; ADOPTING A NEW CHAPTER 18B.80, "SIGN DESIGN - PARKLAND-SPANAWAY-MIDLAND"; ADOPTING A NEW CHAPTER 18J.30, "PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN DESIGN STANDARDS AND GUIDELINES"; SETTING AN EFFECTIVE DATE; 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 IV to these minutes; motion seconded.

Staff Testimony

Graham stated the amendment is technical in nature, to insert dates and replace a table.

The Chair called for public testimony; there was no response. The amendment passed on a voice vote.

Following a discussion among Councilmembers with Kleeberg regarding the John Ladenburg memorandum of June 11, 2002, Goings moved that the amendment set forth in pages 5, 6, and 7 of Ladenburg's memorandum be adopted; motion seconded.

Brown moved an amendment to the amendment on page 5, on the last line of the table, to change \$6,500 to \$6,000; motion seconded. The amendment to the amendment passed on a voice vote.

Public Testimony

Fred Tobiason spoke in opposition to the amendment being discussed, stating these amendments should have been offered at an earlier time.

Dave Batker, Laura Roberts, Scott McIlheny, and Nell Batker, spoke in opposition to the amendment.

Michael Nelson spoke in support of the amendment.

In response to Brown's question, Kleeberg stated that these amendments would not change the SEPA review.

Amendments 1, 2, and 3 as set forth in the Ladenberg memo were adopted as amended on a voice vote.

Wimsett thanked the Planning staff, Councilmembers, Council Staff, and the community for their assistance in crafting this Plan.

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

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS

1. Laura Roberts expressed a concern about the adoption of future community plans, and she stated she hoped the Council would support those efforts.
2. Scott McIlheny thanked the Councilmembers for the public process.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:10 p.m.

Attest:

Gerri Rainwater, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved

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