

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JULY 9, 2002**

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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 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, Pat O'Malley, Jan Shabro, and Kevin Wimsett.

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

There were approximately 46 visitors present.

IV. APPROVAL OF AGENDA

O'Malley moved approval of the Agenda; motion seconded and passed.

V. CONSENT AGENDA

- a. Approval of Minutes
- b. Action on Ordinances (refer, set date of hearing)
 1. PROPOSAL NO. 2002-78, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DIRECTING THE PERFORMANCE AUDIT COMMITTEE TO ENGAGE THE SERVICES OF AN INDEPENDENT CONSULTANT TO CONDUCT A PERFORMANCE REVIEW OF PUGET SOUND BEHAVIORAL HEALTH.
Sponsored by: Councilmembers Karen Biskey and Wendell Brown
Contact person: Thomas Weber, 798-6067

For referral to the Rules & Operations Committee

2. PROPOSAL NO. 2002-79, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-104s, WHICH EXPANDS THE FRANCHISE BOUNDARY AREA OF THE CITY OF BONNEY LAKE'S SANITARY SEWER FRANCHISE, BY CORRECTING THE LEGAL DESCRIPTION.

Sponsored by: Councilmember Pat O'Malley

Contact person: Thomas Weber, 798-6067

For referral to the Public Works Committee

- 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 seven 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 June 18, 2002, was read into the record:

ORDINANCE 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.

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

PROPOSAL NO. R2002-78, A RESOLUTION OF THE PIERCE COUNTY COUNCIL RECOGNIZING AND HONORING PIERCE COUNTY FIRE DISTRICT NO. 14, RIVERSIDE FIRE & RESCUE, FOR 50 YEARS OF SERVICE IN PROVIDING FIRE AND MEDICAL AID SERVICES TO THE CITIZENS OF THE COMMUNITY OF RIVERSIDE, WASHINGTON.

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

Councilmember Goings presented the Proclamation to Chief Andy McAfee, who thanked the Council for their recognition, and invited members to attend an open house on July 27, 2002. The

Chief also thanked the Riverside volunteers who serve the community.

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

PROPOSAL NO. R2002-82, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF BOB SAN SOUCIE AS THE CLERK OF THE SUPERIOR COURT.

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

County Executive John Ladenburg stated Bob San Soucie served as Deputy Clerk for many years under Ted Rutt, and has been recently serving as Interim Clerk. Ladenburg urged Council's confirmation of San Soucie's appointment.

San Soucie thanked the Council and Executive for their endorsement of his appointment, and stated that Kevin Stock will be serving as Deputy Clerk.

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. 2002-73s, AN EMERGENCY 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; ADOPTING FINDINGS OF FACT; AND DECLARING AN EMERGENCY.

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

Staff Testimony

Long pointed out the Proposal before the Council is 2002-73s.

Transue provided an overview of his July 9, 2002, memo to Councilmembers outlining the fiscal impact associated with this Ordinance, and responded to questions of Councilmembers regarding the figures set forth.

Public Testimony

The following people spoke in opposition to the Proposal:

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Paul Treyz; Norma Woodward, Ohop Grange; Jacqueline Parnell, on behalf of Mayor Harold Parnell; Ed Wright; Cheryl Weber; Arthur Perkins; Ed Hamilton; Robert Nagley; Don Olson; Louise Van Eaton; Christine Cimino; Mike Dunn; Ron Lopp; Grace Treyz; and Phyllis Adair.

Shabro said she would be voting against this Ordinance, stating she prefers to follow the recommendations of the Performance Audit Committee, which is to reduce the ratio of staffing for each Judge.

Biskey stated she feels the process has been flawed, and submitted a packet of paperwork from prior hearings on this issue to the Clerk. The packet is contained in the Clerk's meeting file.

Brown thanked the public for their testimony, and stated because of budget shortfalls it is necessary for the County to eliminate programs and personnel in many areas.

Mike Kilborn, District Court Administrator, discussed the fact sheet that he had submitted to the Council, and responded to questions of Councilmembers.

Judge James Heller, District Court #1, stated the Committee is addressing a strategy to review all outlying areas of the County, and how they can best be served.

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

At 4:25 p.m. the Chair recessed the meeting; at 4:30 p.m. the meeting reconvened.

PROPOSAL NO. 2001-59s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.97.020 OF THE PIERCE COUNTY CODE, "DEFINITIONS" AND SECTION 2.97.080, "CONSERVATION FUTURES COVENANTS" TO LIMIT THE FUTURE USE OF PROPERTIES PURCHASED IN THE PROGRAM AND TO CLARIFY THE PASSIVE NATURE OF ALLOWED IMPROVEMENTS ON PROPERTY PURCHASED WITH CONSERVATION FUTURES FUNDS; AND AMENDING SECTION 2.96.040 TO MODIFY THE MEMBERSHIP OF THE CONSERVATION FUTURES PROGRAM CITIZENS' ADVISORY BOARD TO PROVIDE A MORE BALANCED MEMBERSHIP BETWEEN INCORPORATED AND UNINCORPORATED AREAS.

Goings moved that the Proposal be continued to July 16, 2002; motion seconded. Goings stated this continuance is being requested to allow time to review language for possible amendments.

Public Testimony

Jack Avril, Citizens' Advisory Board, stated he took issue with the proposed amendment specific to the last sentence on page 2 of Exhibit "A" at line 17. He recommended that the Council delete that sentence.

Fred Tobiason spoke in support of the Proposal as written.

Bryan Flint, representing Tahoma Audubon Society, spoke in support of the Ordinance, and urged that the Council maintain Passive Use for Conservation Futures properties.

Judy Austin asked that the Council pass the Ordinance as written, and not consider further amendments.

Randy Boss stated he was disappointed that there is a one-week delay.

Nell Batker spoke in support of the Ordinance as written.

Victoria Olson spoke in favor of Ordinance, and asked that the Council strictly adhere to the Passive Recreation interpretation.

Following Councilmembers' remarks, the Proposal was continued to July 16, 2002.

PROPOSAL NO. 2002-61s, 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 CONTINUE TO SERVE PURSUANT TO SECTION 2.78.030 IN THE EVENT OF A CHANGE OF COUNCIL DISTRICT BOUNDARIES.

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

Staff Testimony

Long pointed out that because of recent court action, additional advertising is required on this Ordinance.

O'Malley moved that a date of hearing of July 30, 2002, be set; motion seconded and passed. The Proposal was continued to July 30, 2002.

IX. RESOLUTIONS

PROPOSAL NO. R2002-75, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPROVING THE ANNEXATION OF REAL PROPERTY (UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE) TO THE CRYSTAL MOUNTAIN SEWER DISTRICT; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Weber stated this public hearing will satisfy the requirement of State law, and pointed out that Findings in this matter have been made, and are included in the Resolution as Exhibit "B", Findings of Fact. He stated Water Resources and Planning and Land Services Departments have indicated that the annexation complies with all existing plans.

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

PROPOSAL NO. R2002-81, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CALLING FOR A SPECIAL ELECTION ON SEPTEMBER 17, 2002, FOR THE PURPOSE OF SUBMITTING TO THE AFFECTED VOTERS THE DETERMINATION OF WHETHER OR NOT THE PROPOSED CITY OF GATEWAY SHALL BE INCORPORATED AS A NON-CHARTER CODE CITY; DESCRIBING THE BOUNDARIES OF THE PROPOSED CITY OF GATEWAY; AND PROVIDING A BALLOT TITLE.

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

Staff Testimony

Long stated this Resolution is before the Council in response to a petition for incorporation.

Public Testimony

Stewart Murray asked that action be delayed on this Resolution because of the pending appeal in Superior Court regarding the Boundary Review Board's decision on this matter.

Long stated that the pending appeal does not affect the Council's ability to act on this Proposal. If the Court rules in favor of the petitioner, Mr. Murray, the election will not be needed.

Donald Olson urged the Council to move forward on the Resolution.

William Giddings stated there will be a cost savings if the election were scheduled in conjunction with another election.

Fred Tobiason urged that the Council bring the matter forward to a vote of the people.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

1. O'Malley moved to approve the Meeting Schedule for the week of July 15-19, 2002; motion seconded. Brown moved that Item 5 on the Performance Audit Agenda be deleted; motion seconded and passed. The Meeting Schedule was approved as amended on a voice vote.
2. O'Malley moved to approve the Council Agenda for July 16, 2002; motion seconded. Rainwater pointed out that Proposal No. 2001-59s2 had been continued to July 17, 2002, by earlier action of the Council. O'Malley moved an amendment that the Proposal be added as an Item 1 under Ordinances, Section VIII, and that Item 1 become Item 2; motion seconded. The Council Agenda was approved as amended on a voice vote.

XI. GENERAL PUBLIC COMMENTS - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:10 p.m.

Attest:

Gerri Rainwater, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved

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