

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JULY 30, 2002**

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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 3:00 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: Susan Long, Legal Counsel; Gerri Rainwater, Administrator/Clerks & Operations; and Tom Weber, Administrator/Research & Policy.

There were approximately 38 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 Substitute Minutes of the March 12, 2002, District No. 7 Council meeting.

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

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
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member; Calvin Goings, Member, Harold Moss, Member/excused)
Suggested date of Council hearing: August 27, 2002

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
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member; Calvin Goings, Member, Harold Moss, Member/excused)
Suggested date of Council hearing: August 27, 2002

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
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member; Calvin Goings, Member, Harold Moss, Member/excused)
Suggested date of Council hearing: August 27, 2002

4. PROPOSAL NO. 2002-71s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 2.70 OF THE PIERCE COUNTY CODE ENTITLED "SHARED SICK LEAVE"; ESTABLISHING A SHARED LEAVE POLICY FOR PIERCE COUNTY EMPLOYEES TO ALLOW EMPLOYEES TO SHARE ACCRUED SICK LEAVE WITH A FELLOW EMPLOYEE WHO IS SUFFERING FROM AN EXTRAORDINARY OR SEVERE ILLNESS, INJURY, IMPAIRMENT, OR PHYSICAL CONDITION WHICH PREVENTS THAT EMPLOYEE FROM WORKING; AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmembers Harold Moss, Wendell Brown, Calvin Goings, Jan Shabro, and Kevin Wimsett
Contact person: Gerri Rainwater, 798-7579
DO PASS AS SUBSTITUTED RECOMMENDATION - RULES & OPERATIONS COMMITTEE (Harold Moss, Chair/excused; Pat

O'Malley, Vice Chair; Wendell Brown, Member)
Suggested date of Council hearing: August 27, 2002

5. PROPOSAL NO. 2002-72, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 3.92 OF THE PIERCE COUNTY CODE, "REIMBURSEMENT OF EXPENSES".
Sponsored by: Councilmember Harold Moss
Contact person: Patrick Kenney, 798-7450
DO PASS AS SUBSTITUTED RECOMMENDATION - RULES & OPERATIONS COMMITTEE (Harold Moss, Chair/excused; Pat O'Malley, Vice Chair; Wendell Brown, Member)
Suggested date of Council hearing: August 27, 2002
6. PROPOSAL NO. 2002-74, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF DELANO ROAD (62ND AVENUE EAST) RIGHT-OF-WAY LOCATED IN THE NORTH HALF OF SECTION 30, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE PUYALLUP AREA.
Sponsored by: Councilmember Pat O'Malley
Contact person: Jennifer Andres, 798-2720
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member; Calvin Goings, Member, Harold Moss, Member/excused)
Suggested date of Council hearing: August 27, 2002
7. PROPOSAL NO. 2002-75, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO BETHEL GREENACRES WATER ASSOCIATION 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/excused)
Suggested date of Council hearing: August 27, 2002
8. PROPOSAL NO. 2002-76, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNIMPROVED 120TH STREET NORTHWEST, LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 22 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, IN THE GIG HARBOR AREA.
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/excused)

Suggested date of Council hearing: August 27, 2002

9. PROPOSAL NO. 2002-77, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF CLAY CITY ROAD EAST LOCATED IN THE SOUTH HALF OF SECTIONS 25 AND 26, TOWNSHIP 17 NORTH, RANGE 4 EAST, OF THE WILLAMETTE MERIDIAN, LOCATED IN THE CLEAR LAKE AREA.

Sponsored by: Councilmember Pat O'Malley

Contact person: Bruce Duncan, 798-5016

DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member; Calvin Goings, Member, Harold Moss, Member/excused)

Suggested date of Council hearing: August 27, 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 seven to zero.

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

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

The National Association of Counties and National Association of County Information Officers awards presentation to Pierce County departments by Executive John W. Ladenburg.

The Chair requested that the Council advance to Section IX, RESOLUTIONS, and consider Item 1 at this time.

IX. RESOLUTIONS

PROPOSAL NO R2002-77, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ACCEPTING THE RECOMMENDATIONS OF THE AD HOC TRANSPORTATION REAL ESTATE EXCISE TAX ALLOCATION ADVISORY COMMITTEE (TRAAC); AND REQUESTING THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES TO INCORPORATE THE RECOMMENDATIONS OF THE TRAAC IN THE DEVELOPMENT OF THE 2003-2008 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM.

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

Staff Testimony

Tom Ballard, County Engineer, provided an overview of the Ad Hoc Committee's activities and review process in establishing a list of priority projects as set forth in Exhibit "A" of this Resolution. He stated 11 meetings had been held, and the process was followed.

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

PROPOSAL NO. R2002-87, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF SIX NEW MEMBERS AND THE REAPPOINTMENT OF SEVEN EXISTING MEMBERS TO THE COMMUNITY SERVICES CITIZENS' ADVISORY BOARD. (ROBERT YOUNG, JACQUALIN PARNELL, FRED HOHEIM, ELLEN JOHNSON, PATRICIA YARIAN, MICHELE CARDINAUX WALLACE, LARRY FAULK, PAULA FLORENCE, ZOE KREIGER, J. KARL KREITZER, VICTORIA JOHNS, HOPE STADTHERR, AND BETSY STUBBS)

O'Malley 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 six to zero; Goings was excused at the time of roll call.

VIII. ORDINANCES

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.

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

Staff Testimony

Graham provided an overview of the Substitute Ordinance, stating passage would clarify the definition of Open Space as the definition applies to the County's Conservation Futures program.

O'Malley moved adoption of Council Amendment No. 1 as set forth in Attachment I to these minutes; motion seconded.

Public Testimony

John Ladenburg, Pierce County Executive, stated he had a concern that proposed activities could only be passive. He stated there may be instances when active recreation would be a desirable use.

Following a discussion and suggestions from Staff, Wimsett moved an amendment to Council Amendment No. 1 as follows: on page 1 of Exhibit "A" at line 92, delete the words "are not" and insert "may be"; at line 10, delete "unless specifically" and insert the word "when"; at line 102, following "Citizens' Advisory Board," insert the words "and/or"; at lines 122 and 13, delete "when the Conservation Futures Citizens' Advisory Board recommends that" and following "active recreation" insert the word "may"; at line 132 after the word "thereof," insert the words "when recommended by the Conservation Futures Citizens' Advisory Board"; at line 14 after the word "Council" insert "and addressed in the covenants or property restrictions"; on page 2 of Exhibit "A" at line 22, delete the words "are not" and insert "may be"; at line 222, delete the words "unless specifically" and insert the word "when"; and at line 232 following the words "Citizens' Advisory Board," insert the words "and/or"; motion seconded.

Public Testimony

Randy Boss urged that the Council delay final action on this Proposal as the Second Substitute version is a major change from what was originally submitted.

Fred Tobiason, representing the Clover Creek Council, stated he agrees that more time is needed to review these changes. He stated he is opposed to the amendments.

Wimsett pointed out that the new language is a compromise that had the original Ordinance been adopted by the Council, there is a strong likelihood that it would have been vetoed by the County Executive.

Roxy Giddings stated the Second Substitute is a drastic difference from the original language, and she preferred the original language.

James DePew stated the Council should heavily weigh the recommendations of the Citizens' Advisory Board, and he stated he favors the original language.

Molly Edman stated she feels additional time is needed to review the new changes.

Diane Kerlin stated she supports the original Ordinance, and does not feel that active recreation should be included in the Conservation Futures program.

Nell Batker stated she is opposed to active recreation, stating she feels ball fields are underutilized.

Liz Lathrop stated she prefers the original Ordinance, but thanked the Council for working out compromise language.

Cheryl Ouellette stated she feels the Second Substitute is a good compromise.

Mary Kenney stated she preferred the original Ordinance.

Reed Waite stated he prefers the original language, and felt the system is working without the addition of the new changes.

Council Amendment No. 1 was adopted as amended on a voice vote.

Public Testimony

Randy Boss stated there is nothing in the Ordinance to prohibit the application of this new language to properties that had been purchased in the past.

Staff Testimony

In response to Biskey's question, Long stated this Ordinance could not be applied retroactively, it only applies prospectively.

Brown pointed out that any changes that had been adopted by the Council in the past would have to come back to the Council in a public hearing process.

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

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

Following an overview of the Ordinance by Long, O'Malley moved adoption of Council Amendment No. 1 as set forth in Attachment II to these minutes; motion seconded.

Public Testimony

William Giddings spoke in support of the amendment.

David King, Chair of the Planning Commission, spoke in favor, stating the amendment would assist with continuity of the membership and meetings of the Commission.

Lloyd Fetterly, Deputy Prosecuting Attorney, spoke in favor of the amendment, stating it is important to maintain a quorum on the Commission, and provide continuity.

The amendment passed on a voice vote. The Proposal passed as amended on a roll call vote of five to zero; Wimsett and Biskey were excused at the time of roll call.

PROPOSAL NO. 2002-69s2, AN EMERGENCY 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 AUGUST 1, 2002, TO SEPTEMBER 6, 2002, INCLUSIVE; AND DECLARING AN EMERGENCY.

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

Staff Testimony

Les Olsen, Public Works & Utilities Department, stated the Department has requested this Emergency Ordinance to allow them to close this portion of the road while the recent surfacing is allowed to cure. He stated the closure has been duly noticed.

O'Malley reiterated the need for the emergency because of the need to do this during the good weather.

The Chair called for public testimony; there was no response. The Proposal passed as substituted on a roll call vote of six to zero; Biskey was excused at the time of roll call.

IX. RESOLUTIONS (cont.)

PROPOSAL NO. R2002-80, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING THE INTENT TO VACATE A PORTION OF CLAY CITY ROAD EAST, LOCATED IN THE SOUTH HALF OF SECTIONS 25 AND 26, TOWNSHIP 17 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND DIRECTING THE COUNTY ENGINEER TO EXAMINE THE INTENDED VACATION, AND REPORT THE FINDINGS AND CONCLUSIONS THEREOF TO THE COUNCIL.

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

Staff Testimony

Olsen stated adoption of this Resolution is the first step in this Council requested road vacation, and an Ordinance will be adopted by the Council to effect the vacation. He stated the Public Works Engineer has reported on this proposed vacation.

Public Testimony

William Weber, representing the Frederickson Land Use Planning Commission, stated the County is in need of relief roads to assist in improving congestion on the main arterials. He urged that the Council not vacate property that may be needed for future roads. He stated past right-of-way vacations have created problems in present and future transportation planning.

The Proposal passed on a roll call vote of four to zero; Goings, Shabro, and Brown were excused at the time of roll call.

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS

1. William Giddings commended Pierce County on being the recipient of so many National awards (see Section VII of these minutes). He stated he feels the Transportation Ad Hoc Real Estate Tax Advisory Committee is not broadly representative to include taxpayers, users of roads, and local neighborhoods.
2. O'Malley extended sympathy to John Ashby, whose wife had recently died. He stated the Ashbys were very active in the incorporation of the City of Lakewood.

Pierce County Council Meeting
July 30, 2002

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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