

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
AUGUST 27, 2002**

930 TACOMA AVENUE SOUTH, ROOM 1045  
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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, Harold Moss, Pat O'Malley, Jan Shabro; Wendell Brown, Calvin Goings, and Kevin Wimsett were excused.

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

There were approximately nine 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. 2002-85, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF ALDERTON PUYALLUP ROAD IN THE PUYALLUP AREA IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH, RANGE 4 EAST, OF THE WILLAMETTE MERIDIAN; IN THE PUYALLUP AREA.

Sponsored by: Councilmember Pat O'Malley  
Contact person: Jerry West, 798-7250  
For referral to the Public Works Committee

2. PROPOSAL NO. 2002-86, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 94TH AVENUE NORTHWEST LOCATED IN THE NORTHWEST AND THE SOUTHWEST QUARTERS OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, IN THE GIG HARBOR AREA.  
Sponsored by: Councilmember Pat O'Malley  
Contact person: Bruce Duncan, 798-7250  
For referral to the Public Works Committee
3. PROPOSAL NO. 2002-87, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 4.32.070 AND 4.32.080 OF THE PIERCE COUNTY CODE TO INCREASE THE COUNTY ENHANCED 9-1-1 EXCISE TAX BY TWENTY-FIVE CENTS PURSUANT TO THE AUTHORIZATION SET FORTH IN HOUSE BILL 2925; ADOPTING A NEW SECTION 4.32.090 OF THE PIERCE COUNTY CODE, "REFUND PROCEDURE"; AND SETTING AN EFFECTIVE DATE.  
Sponsored by: Councilmember Harold Moss  
Contact person: Steve Bailey, 798-6595  
For referral to the Rules & Operations Committee  
Suggested date of Council hearing: October 1, 2002
4. PROPOSAL NO. 2002-88, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING CERTAIN COUNTY-OWNED AND TAX TITLED REAL PROPERTY AS SURPLUS; AND AUTHORIZING THE COUNTY EXECUTIVE TO PURSUE DISPOSAL OF THE PROPERTY BY SALE PURSUANT TO PIERCE COUNTY CODE CHAPTER 2.110.  
(COUNTY-OWNED PROPERTY LOCATED AT 62ND AVENUE EAST AND 12TH STREET EAST, FIFE, WASHINGTON; TAX TITLED PROPERTY LOCATED AT 3214 SOUTH ASH STREET, TACOMA, WASHINGTON)  
Sponsored by: Councilmember Harold Moss  
Contact person: Suzanne Hedlund, 798-6880  
For referral to the Rules & Operations Committee  
Suggested date of Council hearing: September 24, 2002
5. PROPOSAL NO. 2002-89, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL LEVYING AN ASSESSMENT IN 2002, FOR COLLECTION IN 2003, AGAINST LAND IN PIERCE COUNTY FOR THE CONTROL OF NOXIOUS WEEDS.  
Sponsored by: Councilmember Harold Moss  
Contact person: Rebecca Shoemaker, 798-6800  
For referral to the Rules & Operations Committee
6. PROPOSAL NO. 2002-90, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNIMPROVED SPANAWAY LOOP ROAD IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 3 EAST, W.M. IN

THE SPANAWAY AREA.

Sponsored by: Councilmember Pat O'Malley  
Contact person: Jerry West, 798-3687  
For referral to the Public Works Committee

7. PROPOSAL NO. 2002-91, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNIMPROVED 50TH AVENUE EAST LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE FREDERICKSON AREA.

Sponsored by: Councilmember Pat O'Malley  
Contact person: Jennifer Andres, 798-2720  
For referral to the Public Works Committee

- c. Action on Resolutions (refer, set date of hearing)
  1. PROPOSAL NO. R2002-100, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENDED DISTRIBUTION OF NATIONAL FOREST RELATED SAFETY-NET PAYMENTS BETWEEN TITLE II AND TITLE III OF THE SECURE SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.  
Sponsored by: Councilmembers Harold Moss and Wendell Brown  
Contact person: Anna Graham, 798-6253  
Suggested date of Council hearing: September 10, 2002
- d. Other Items

O'Malley moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of four 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 August 7, 2002, was read into the record:

ORDINANCE 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.

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

VIII. ORDINANCES

**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.**

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

Staff Testimony

Les Olsen, Public Works and Utilities Department, stated this Ordinance is being requested to correct a mistake in the legal description. In response to Biskey's question, Olsen stated these errors are usually found in the process of developing the plat maps.

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

**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.**

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

Staff Testimony

Olsen stated passage of this Ordinance would correct an error in the legal description.

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

**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.**

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

Staff Testimony

Olsen stated passage of this Ordinance would correct an error that had been discovered in the legal description.

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

**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.**

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

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

Staff Testimony

Joe Carrillo, Personnel Department, provided an overview of the amendment.

Public Testimony

Louise Batchelor stated a concern that the program should be available to all Pierce County employees. Carrillo responded most employees of the County are covered by this program, and those who do not accumulate sick leave, such as judges, would not be eligible.

The amendment passed on a voice vote.

O'Malley moved an amendment on page 3 at line 2 to insert "October 1, 2002" in the blank; and at line 6 to delete "September" and insert "October"; motion seconded and passed.

Public Testimony

Louise Batchelor stated there is a disparity in the various coverages for County employees, stating that short- and long-term disability insurance programs should be used. She also stated there is a disparity in the various wages. Carrillo responded that the program will be implemented on an hour-for-hour basis without regard to salary.

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Moss expressed his appreciation to Carrillo for his work on the Ordinance.

Carrillo responded to questions of Councilmembers regarding the implementation and specifics of the program.

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

**PROPOSAL NO. 2002-72, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 3.92 OF THE PIERCE COUNTY CODE, "REIMBURSEMENT OF EXPENSES".**

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

Staff Testimony

Pat Kenney, Director of Budget and Finance Department, stated this Ordinance has been requested to amend current Code language to stipulate that meal reimbursements are to be for actual expenses. He stated this would bring the County into compliance with Internal Revenue Service regulations, and ensure that reimbursement is not considered as income. In response to Shabro's question, Kenney stated that the Budget and Finance Department will not require receipts; the employee signs a statement as to the accurateness of the charges. If individual Departments wish to require receipts, that can be done.

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

**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.**

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

Staff Testimony

Olsen stated this right-of-way contains an easement that has been signed off to adjacent property owners to allow them use of the right-of-way for access to their property. He stated all fees have been paid, and the Department supports the request. In response to Shabro's question, Olsen stated a

previous right-of-way vacation in this area inadvertently landlocked a neighboring property owner; however, that easement has now been recorded and the vacation is in order.

Public Testimony

Don Olsen asked the exact location of this property, and stated in general he does not support vacation of County rights-of-way, as the property may be needed by the County in the future for its road system.

Louise Batchelor stated she too opposes road vacations for the reasons stated by Olsen.

Karl Thun stated he has experience with road vacations, and supports the process.

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

**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.**

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

Following a discussion among Councilmembers, Les Olsen, and Noburo Osley of the Bethel Green Acres Water Association, O'Malley moved that the hearing on the Proposal be continued to September 10, 2002, to allow time to investigate a request to extend the franchise for longer than five years; motion seconded.

Biskey asked that the Public Works & Utilities Department report back to the Council the impact of extending franchise terms for a longer period of time, and what happens if the water company fails.

The motion to continue passed on a voice vote.

**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.**

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

Staff Testimony

Olsen stated the subject right-of-way had been attained by Treasurer's Deed in 1954, and that no improvements or money have been expended on this property. He stated the Department supports the vacation request.

Karl Thun, Principal Petitioner, spoke in support of the request. He stated because of its configuration, the property would not likely be used for a road by Pierce County.

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

**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.**

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

Staff Testimony

Olsen stated this vacation Ordinance was initiated by the Council to address problems with illegal dumping in this section of the right-of-way. It is hoped that vacating this property to adjacent property owners will solve this problem. He stated the Department supports the request.

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

**IX. RESOLUTIONS - None**

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

**XI. GENERAL PUBLIC COMMENTS**

1. Louise Batchelor had a question regarding Proposal No. 2002-85 that appeared on the Consent Agenda, stating she feels the area in question should be a three-lane road. Moss asked that Batchelor talk with Staff after the meeting to clarify the portion of road that is being referenced.

