

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
SEPTEMBER 4, 2001**

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 3:10 p.m. by Chair Brown.

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

The pledge was led by Brown.

**III. ROLL CALL**

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

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

There were approximately 18 visitors present.

**IV. APPROVAL OF AGENDA**

Moss 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. 2001-70, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL LEVYING AN ASSESSMENT IN 2001, FOR COLLECTION IN 2002, AGAINST LAND IN PIERCE COUNTY FOR THE CONTROL OF NOXIOUS WEEDS; SETTING THE RATE OF THE LEVY; AND EXEMPTING CERTAIN PROPERTY.

Sponsored by: Councilmember Wendell Brown

Contact person: Thomas Bertram, 798-7263

DO PASS RECOMMENDATION-RULES AND OPERATIONS COMMITTEE

(Wendell Brown, Chair; Harold Moss, Vice Chair; Pat O'Malley, Member/excused)

Suggested date of Council Hearing: September 18, 2001

2. PROPOSAL NO. 2001-78, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE FRANCHISE AND LEASE AGREEMENT WITH AT&T WIRELESS SERVICES OF WASHINGTON, LLC, FOR WIRELESS TELECOMMUNICATIONS ANTENNAE AND EQUIPMENT TO BE PLACED ON PROPERTY OWNED BY PIERCE COUNTY LOCATED AT 215 SOUTH 36TH STREET, TACOMA, WASHINGTON, TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE FRANCHISE; PROVIDING FOR THE STANDARDS, CONDITIONS, RENTAL AMOUNT, AND OTHER TERMS OF SUCH OCCUPANCY; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS THEREOF; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AND LEASE AGREEMENT.

Sponsored by: Councilmember Wendell Brown  
Contact Person: Hudson Stansbury, 798-6643  
For referral to the Rules and Operations Committee

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

Moss moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of six to zero.

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

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

**PROPOSAL NO. R2001-135, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE MEMBER TO THE UPPER NISQUALLY ADVISORY COMMISSION. (GENE CASEY)**

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; Goings was excused.

**PROPOSAL NO. R2001-136, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF FIVE EXISTING MEMBERS TO THE AGING AND LONG TERM CARE ADVISORY BOARD. (FLORENCE BALL, ALICE COATE, FRANK JENKINS, VIRGINIA KIMBALL, AND WILMA LAFAVOR)**

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; Goings was excused.

**PROPOSAL NO. R2001-137, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE EXISTING MEMBER TO THE GRAHAM ADVISORY COMMISSION. (ARNOLD S. ANDREWS, JR.)**

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; Goings was excused.

**VIII. ORDINANCES**

**PROPOSAL NO. 2001-56, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNDEVELOPED 131ST (MAPLE) STREET SOUTH, AND A PORTION OF UNDEVELOPED 8TH AVENUE (EYE STREET) SOUTH, LOCATED IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, LOCATED IN THE PARKLAND AREA.**

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

Staff Testimony

Jennifer Andres, Public Works Department, stated the Council had adopted a Resolution that initiated this vacation Ordinance. The property was dedicated to the County in a 1907 plat, and the Department of Water Programs has had control over this property, which is a wetland mitigation area.

Public Testimony

Camila Martinez stated she felt the legal description used in the advertisement was flawed because the area is not known by Maple Street and Eye Street, and that the notices used for posting were not sufficiently visible.

Andres and O'Malley pointed out that the County must use the legal description that is on the title of the property. Andres stated State law dictates how signs are placed and how the legal notice is advertised in the County's official paper.

Fred Tobiason stated he is in favor of the road vacation, and his intent is to put the property into a park-like setting, as it is a wetland.

Wimsett pointed out that people in the area have concerns about the construction of shotgun-type homes, and he is working on regulations to deal with that issue.

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Brown pointed out that when a right-of-way is not needed in the County system, the Council makes its decision of whether or not to vacate based on that criteria, and not what the potential or proposed use may be for the property.

The Proposal passed on a roll call vote of five to zero; Goings was excused.

**PROPOSAL NO. 2001-54, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2000-93s2, AS AMENDED; ESTABLISHING A PARKS SALES TAX FUND; AND ADOPTING A 2001 BUDGET FOR THE PARKS SALES TAX FUND.**

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

#### Public Testimony

Randy Boss asked several questions regarding the three items set forth in Exhibit "A." He expressed concern that when decisions are made on the allocation of expenditures of the 1/25 of 1% funds, that they be spent and allocated on items that were authorized in Proposition 1 and State law.

The Council and Pat Kenney, Budget & Finance Department, responded to those concerns, pointing out the explanation set forth in Exhibit "A" to the Ordinance.

At this point Councilmember Goings returned to the meeting.

#### Staff Testimony

Jan Wolcott, Parks and Recreation Services Department, provided an update on the three projects outlined in Exhibit "A": (1) the \$25,000 has provided stocking of five lakes in the County, and the County has received matching funds; (2) there was a \$300,000 match from the Lakewood, studies for design are underway for field improvements. He stated the project is in the permitting process currently; and (3) the boat launch, no monies will be expended until after passage of this Ordinance.

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

**IX. RESOLUTIONS**

**PROPOSAL NO. R2001-133, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ENDORSING THE PIERCE COUNTY SHERIFF'S DEPARTMENT'S ACCEPTANCE OF A GRANT AWARD OF \$324,102.00 IN DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS, FOR PUBLIC SAFETY SERVICES THAT ADDRESS CRITICAL NEEDS OF PIERCE COUNTY CITIZENS; AND PROVIDING FOR A PUBLIC HEARING ON THE PROPOSED COUNTY'S USE OF THE MONEY RECEIVED.**

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

Staff Testimony

Jim Jenkins, Sheriff's Department, stated the Department is requesting Council's adoption of this Resolution to be included in the grant package. He stated the monies are used for the purchase of computer equipment and to help finance Drug Court. Jenkins responded to questions of Councilmembers regarding the availability of this grant money on an on-going basis.

O'Malley expressed a concern that during the performance audit it was pointed out that there were problems with backing up the software in the Sheriff's Department.

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

**PROPOSAL NO. R2001-134, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SUPPORTING QWEST'S ENTRY INTO THE BUSINESS OF INTERLOCAL ACCESS AND TRANSPORT AREA LONG-DISTANCE; ENCOURAGING QWEST TO COMPLY WITH SECTION 271 OF THE FEDERAL TELECOMMUNICATIONS ACT OF 1996; AND ENCOURAGING THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION AND THE FEDERAL COMMUNICATIONS COMMISSION TO APPROVE QWEST'S COMPLIANCE WITH SAID REGULATIONS.**

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

Shabro stated she had agreed to sponsor this Resolution to support the idea of allowing QWest to compete in the long-distance market in Pierce County, stating that she feels consumers would benefit.

Goings expressed a concern that there had been a number of complaints regarding telecommunication services, and felt that it would put these people in direct competition with some of the smaller providers.

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

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

**XI. GENERAL PUBLIC COMMENTS - None**

**XII. ADJOURNMENT**

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

Attest:

Clerk of the Council

Approved:

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Council Chair

Date Approved