

**MINUTES
PIERCE COUNTY COUNCIL MEETING
SEPTEMBER 10, 2002**

930 TACOMA AVENUE SOUTH, ROOM 1045
TACOMA, WASHINGTON 98402
(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018
www.co.pierce.wa.us/council

(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: Wendell Brown, Calvin Goings, Harold Moss, Pat O'Malley, and Kevin Wimsett; Karen S. Biskey was excused, and Jan Shabro was excused at the time of roll call.

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

There were approximately 11 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 minutes of the July 30, 2002, regular Council meeting.
2. The minutes of the August 6, 2002, regular Council meeting.

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

1. PROPOSAL NO. 2002-96, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 2.51.030, 2.53.030, AND 2.69.030 OF THE PIERCE COUNTY CODE REGARDING THE BEGINNING DATES FOR TERMS OF MEMBERSHIP ON THE CHEMICAL DEPENDENCY ADVISORY BOARD, THE DEVELOPMENTAL

DISABILITIES ADVISORY BOARD, AND THE MENTAL HEALTH
ADVISORY BOARD.

Sponsored by: Councilmember Harold Moss

Contact person: Susan Long, 798-6068

For referral to the Rules and Operations 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 five 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 26, 2002, was read into the record:

ORDINANCE NO. 2002-70s, 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), MISCELLANEOUS CURRENT EXPENSE, AND THE SOLID WASTE MANAGEMENT FUND.

2. A message from the Executive transmitting the following Ordinances, which were approved and signed on August 30, 2002, was read into the record:

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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.

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

ORDINANCE 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.

ORDINANCE 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.

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

1. Award Presentation: Pierce County Budget & Finance - Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA): Presented by Lyle Quasim, Chief of Staff, County Executive's Office.

VIII. ORDINANCES

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.

Staff Testimony

Les Olsen, Survey Supervisor, Public Works and Utilities Department, stated passage of this Ordinance would renew the existing franchise to Bethel Green Acres Water Association. Olsen stated the Ordinance is currently written to extend the franchise for five years; however, there has been a request

to make that a longer period of time. Olsen referenced a September 6, 2002, letter from Tom Ballard, County Engineer, to Harold Moss supporting the request for an extension, and pointing out the issue of terms of franchises needs to be discussed in general. A copy of Ballard's letter is contained in the Ordinance file.

Goings asked that the Public Works Committee review the existing franchise language and compare the difference between telecommunication franchises and other franchises.

O'Malley moved that the franchise in Proposal No. 2002-75 be extended for 20 years, and instructed the Clerk to make the necessary amendments to the Ordinance and the franchise; motion seconded and passed.

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

PROPOSAL NO. 2002-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 8.88.460 B.2. OF THE PIERCE COUNTY CODE, REGARDING WATERCRAFT REGULATIONS FOR ALDER LAKE.

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

Staff Testimony

Sgt. Gerald Lawrence, Deputy Sheriff and Chair of the Boating Advisory Commission, stated that this Ordinance was being recommended by the Commission at the request of Tacoma Power. He stated adoption of these new regulations would assist in bringing them into compliance with their Federal permit requirements.

Public Testimony

Eric Beach, Tacoma Power, spoke in support of the Ordinance as a means of bringing Tacoma Power into compliance with Federal regulation requirements, which is a part of the licensing process. He stated it would assist in implementing the wildlife plan as a condition of the 1997 license renewal.

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

IX. RESOLUTIONS

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.

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

Staff Testimony

Weber provided an explanation of the Resolution, stating that its passage would declare the intended distribution of national forest related safety net payments, and that they would all come under Title 3 as had been done in the previous year.

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

PROPOSAL NO. R2002-103, A RESOLUTION OF THE PIERCE COUNTY COUNCIL EXPRESSING THE COUNCIL'S SUPPORT FOR REFERENDUM 51, A TRANSPORTATION FUNDING MEASURE ON THE NOVEMBER 5, 2002, STATEWIDE BALLOT.

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

Moss announced that public testimony would be rotated between pro and con speakers.

Staff Testimony

Long pointed out that comments regarding this Referendum are appropriate at this time, and not under General Public Comments.

Public Testimony

Ruth Fisher spoke in support of the Resolution.

The Chair called for opposing testimony; there was no response.

The following people spoke in support of the Resolution: Casey Cochrane and Brian Carpenter.

Following Councilmembers' comments, the Proposal passed on a roll call vote of five to one; Wimsett voted no.

PROPOSAL NO. R2002-105, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2002, FOR THE PURPOSE OF SUBMITTING TO THE AFFECTED VOTERS THE DETERMINATION OF WHETHER OR NOT PIERCE COUNTY FIRE DISTRICT NO. 22 SHALL INCREASE THE NUMBER OF COMMISSIONERS FROM THREE TO FIVE.

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

Staff Testimony

Long stated the Council had received a letter from the Board of Commissioners of East Pierce Fire & Rescue, stating that they were not ready to go forward with this request at this time. A copy of the letter is contained in the Resolution file.

The Chair called for public testimony; there was no response. The Chair pointed out that a "no" vote would defeat this Proposal. The Proposal was defeated on a roll call vote of zero to six.

PROPOSAL NO. R2002-106, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CALLING FOR AN ELECTION ON NOVEMBER 5, 2002, FOR THE PURPOSE OF SUBMITTING TO THE AFFECTED VOTERS THE DETERMINATION OF WHETHER OR NOT CERTAIN TERRITORY IN UNINCORPORATED PIERCE COUNTY, LOCATED ADJACENT TO THE CURRENT CITY LIMITS OF BONNEY LAKE, SHOULD BE ANNEXED TO AND BECOME A PART OF THE CITY OF BONNEY LAKE.

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

Staff Testimony

Weber stated that this is one of several annexation requests that have come before the Council under the new State law, and that following Staff review, it has been determined that all requirements have been met.

Public Testimony

Shannon Mayfield, City of Bonney Lake, urged Council's adoption, and stated the proposed area of annexation is within the City's urban growth area.

Ray Frey, representing the initiator of this annexation, the Corliss Company, stated the Company is looking forward to becoming a part of the City of Bonney, and urged Council's adoption. He thanked Council and Staff for a rapid response to this request.

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

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS

1. Doug Smith commended the Council for their hard work, and stated he monitors the meetings via cable television.
2. Brown stated in honor of 9.11 Day, Spud's Pizza would be offering free pizza all day, and police officers and fire fighters would receive anything from the menu free.
3. O'Malley thanked Chair Moss for bringing Proposal No. R2002-103 before the Council. He stated it was a good opportunity for debate, and supports the concept.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:05 p.m.

Attest:

Gerri Rainwater, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved

f:\wpfiles\minutes\cnclSep10 2002.min.doc