

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
OCTOBER 15, 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 Jan Shabro; Karen S. Biskey 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
  - 1. The minutes of the August 20, 2002, regular Council meeting.
  - 2. The minutes of the September 24, 2002, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
  - 1. PROPOSAL NO. 2002-114, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING THE PURCHASE OF CERTAIN PROPERTIES ADJACENT TO THE THUN FIELD AIRPORT; INCREASING THE 2002 BUDGET FOR THE AIRPORT FUND TO REFLECT THE PURCHASE; AND AUTHORIZING NECESSARY LOANS

FROM THE EQUIPMENT RENTAL AND REVOLVING FUND TO THE AIRPORT FUND TO PROVIDE CASH FINANCING FOR THESE PURCHASES.

Sponsored by: Councilmember Harold Moss  
Contact person: Patrick Kenney, 798-7450  
For referral to the Rules & Operations Committee

2. PROPOSAL NO. 2002-115, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF MILITARY ROAD SOUTH RIGHT-OF-WAY, LOCATED IN SECTIONS 18 AND 19, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN IN THE SPANAWAY AREA.

Sponsored by: Councilmember Pat O'Malley  
Contact person: Jerry West, 798-3687  
For referral to the Public Works Committee  
Suggested date of Council hearing: November 12, 2002

3. PROPOSAL NO. 2002-116, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2003-2008 TRANSPORTATION IMPROVEMENT PROGRAM AND 2003-2016 FOURTEEN-YEAR FERRY PROGRAM, PURSUANT TO REVISED CODE OF WASHINGTON SECTIONS 36.81.121, 36.81.122, 36.81.130, AND 36.54.015, AND WASHINGTON ADMINISTRATIVE CODE 136, CHAPTERS 15 AND 16; FINDING THAT EACH PROJECT CONTAINED IN THE PLAN IS A PUBLIC NECESSITY; AUTHORIZING THE PROSECUTING ATTORNEY TO COMMENCE CONDEMNATION PROCEEDINGS TO ACQUIRE REAL PROPERTY FOR ONLY THOSE CAPITAL IMPROVEMENT PROJECTS CONTAINED IN THE DOCUMENT FOR EXPENDITURE OF FUNDS IN 2003; AND ADOPTING FINDINGS OF FACT. (ANNUAL ROAD PROGRAM, SIX-YEAR ROAD PROGRAM, AND THE FOURTEEN-YEAR FERRY PROGRAM)

Sponsored by: Councilmember Pat O'Malley  
Contact person: Troy Lee, 798-3555  
For referral to the Public Works Committee  
Suggested date of Council hearing: November 19, 2002

4. PROPOSAL NO. 2002-117, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO AUSTIN L. WOLFF, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

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

5. PROPOSAL NO. 2002-118, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, AS AMENDED, INCREASING THE 2002 BUDGET FOR THE TACOMA-PIERCE COUNTY HEALTH DEPARTMENT.

Sponsored by: Councilmember Pat O'Malley  
Contact person: Federico Cruz, 798-7450  
For referral to the Rules & Operations Committee

6. PROPOSAL NO. 2002-119, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTIONS 4A.20.030 AND 4A.30.030, REGIONAL PARK AND SCHOOL IMPACT FEE SCHEDULES; INCREASING THE MAXIMUM FEE OBLIGATIONS FOR REGIONAL PARK AND SCHOOL IMPACT FEES BY THE ANNUAL COST-OF-LIVING ADJUSTMENT, AS PROVIDED IN TITLE 4A; UPDATING THE SCHOOL DISTRICT FEE CALCULATIONS CONSISTENT WITH 2002 AMENDMENTS TO THE PIERCE COUNTY CAPITAL FACILITIES PLAN; AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmember Calvin Goings  
Contact person: Carolyn Pendle, 798-3631  
For referral to the Planning & Environment Committee  
Suggested date of Council hearing: November 19, 2002

c. Action on Resolutions (refer, set date of hearing)

1. PROPOSAL NO. R2002-118, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ACKNOWLEDGING RECEIPT OF THE CITIZENS ADVISORY BOARD'S RECOMMENDATIONS FOR FUNDING THE PURCHASE OF CONSERVATION FUTURES PROPERTIES; AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO NEGOTIATE THE PURCHASE OF CONSERVATION FUTURES PROPERTIES; AND AUTHORIZING THE DIRECTOR TO EXPEND FUNDS FOR THE PURCHASE THEREOF.

Sponsored by: Councilmember Calvin Goings  
Contact person: Grant Griffin, 798-4049  
For referral to the Planning & Environment Committee

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 September 30, 2002, was read into the record:

ORDINANCE 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)

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

**PROPOSAL NO. R2002-104, A PROCLAMATION OF THE PIERCE COUNTY COUNCIL DECLARING THE WEEK OF OCTOBER 28 THROUGH NOVEMBER 1, 2002, AS YOUTH VOTING AWARENESS WEEK IN PIERCE COUNTY; AND ENCOURAGING THE YOUTH OF THE COMMUNITY TO PARTICIPATE IN THE "VOTING IS COOL" PROGRAM**

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

Staff Testimony

Pat McCarthy, Deputy Auditor, accepted the Proclamation, and thanked the Council for their recognition. She stated the results of the poster contest for the "Voting is Cool" program would be announced, and the winners will be presented at a future Council meeting.

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

**PROPOSAL NO. R2002-117, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE EXISTING MEMBER TO THE NORTH CLOVER CREEK COLLINS ADVISORY COMMISSION. (PAUL HARGROVE)**

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 five to zero.

**VIII. ORDINANCES**

**PROPOSAL NO. 2002-95, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 17A.50 OF THE PIERCE COUNTY CODE, "FLOODPLAIN MANAGEMENT;" ADOPTING A NEW CHAPTER 17A.50, "FLOOD HAZARD AREAS;" AMENDING SECTION 17A.10.060, "DEFINITIONS;" SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.**

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

Goings stated this Proposal has not been moved out of Committee, and recommended that it be postponed indefinitely. O'Malley moved that the Proposal be postponed indefinitely; motion seconded and passed.

**PROPOSAL NO. 2002-120, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 9.52.020 OF THE PIERCE COUNTY CODE, "EXEMPTIONS", TO CLARIFY PIERCE COUNTY'S INTENT TO ABSOLUTELY PROHIBIT SOCIAL CARD GAMES, PURSUANT TO REVISED CODE OF WASHINGTON 9.46.295; AND DECLARING AN EMERGENCY.**

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

Staff Testimony

Long stated passage of this Emergency Ordinance responds to a recent decision by the Washington State Gambling Commission. She stated passage of this Ordinance would delete an exemption to the card room prohibition that allowed establishments operating in existence on the effective date of the prior Ordinance, No. 99-80, to continue to operate until August 15, 2002. The intent is to clarify any misunderstanding about the fact that Pierce County intends to prohibit social card game rooms in unincorporated areas of Pierce County.

Brown stated he was puzzled as to how the Gambling Commission could misinterpret Ordinance No. 99-80, and stated the County's intent should be communicated to the Gambling Commission.

The Emergency Ordinance passed on a roll call vote of five to zero.

**IX. RESOLUTIONS**

**PROPOSAL NO. R2002-111, A RESOLUTION OF THE PIERCE COUNTY COUNCIL EXPRESSING SUPPORT/OPPOSITION TO STATE OF WASHINGTON INITIATIVE 776, WHICH WOULD REPEAL THE MOTOR VEHICLE EXCISE TAX THAT IS CURRENTLY AVAILABLE TO LOCAL TRANSIT AGENCIES, ATTEMPT TO ELIMINATE THE LOCAL VOTER-APPROVED MOTOR VEHICLE EXCISE TAX OPTION FOR HIGH CAPACITY TRANSIT THAT FUNDS SOUND TRANSIT PROJECTS, REPEAL THE VEHICLE LICENSE FEE THAT IS CURRENTLY COLLECTED IN SEVERAL COUNTIES TO FUND LOCAL TRANSPORTATION IMPROVEMENTS, AND REQUIRE LICENSE TABS TO BE \$30 PER YEAR.**

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

Staff Testimony

George Walk, Government Relations Department, provided an overview of the effects of the State of Washington Initiative 776.

John Ladenburg, County Executive, provided additional background information on the financial impacts should this Proposal be passed. Ladenburg provided a handout to Councilmembers. A copy of the handout is contained in the Resolution meeting file.

Public Testimony

Clifford Cuellar, Jr., asked the Council to oppose Initiative 776 because of the devastating financial impacts that would occur.

Laura McClintock spoke in opposition to Initiative 776, and in support of the Council opposing Initiative 776.

Following remarks of Councilmembers, Moss suggested that the Proposal be continued for one week to allow opportunity for those who support Initiative 776 to provide testimony.

O'Malley moved that the Proposal be continued to October 22, 2002; motion seconded and passed.

**X. OTHER BUSINESS/ANNOUNCEMENTS**

1. The Council recognized the birthday of Councilmember Pat O'Malley.

**XI. GENERAL PUBLIC COMMENTS - None**

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**XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at  
4:00 p.m.

Attest:

Gerri Rainwater, Clerk of the Council

Approved:

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Harold Moss, Council Chair

Date Approved

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