

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 6, 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 3:00 p.m. by Chair Brown.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Brown.

III. ROLL CALL

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

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

There were approximately 14 visitors present.

IV. APPROVAL OF AGENDA

Goings 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. 2001-85, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF WALLER ROAD EAST RIGHT-OF-WAY IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, LOCATED IN THE SUMMIT-WALLER AREA.

Sponsored by: Councilmember Harold Moss

Contact person: Jennifer Andres, 798-2720

DO PASS RECOMMENDATION - PLANNING & PUBLIC WORKS COMMITTEE

(Harold Moss, Co-Chair/excused; Karen Biskey, Co-Chair; Calvin Goings, Vice Chair; Kevin Wimsett,

Member; Jan Shabro, Member)

Suggested date of Council hearing: November 27, 2001

2. PROPOSAL NO. 2001-94, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL

VACATING A PORTION OF 354TH STREET EAST RIGHT-OF-WAY, LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE EATONVILLE AREA.

Sponsored by: Councilmember Harold Moss

Contact person: Jennifer Andres, 798-2720

DO PASS RECOMMENDATION - PLANNING & PUBLIC WORKS COMMITTEE

(Harold Moss, Co-Chair/excused; Karen Biskey, Co-Chair; Calvin Goings, Vice Chair; Kevin Wimsett, Member; Jan Shabro, Member)

Suggested date of Council hearing: November 27, 2001

3. PROPOSAL NO. 2001-96, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING SECTIONS 1., 2., AND 3. OF ORDINANCE NO. 92-43; AND AUTHORIZING THE COUNTY AUDITOR TO ESTABLISH THE SIZE OF VOTING PRECINCTS, CONSISTENT WITH REVISED CODE OF WASHINGTON 29.04.040.

Sponsored by: Councilmember Wendell Brown

Contact person: Thomas Weber, 798-6067

For referral to the Rules and Operations Committee

4. PROPOSAL NO. 2001-97, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2000-93s2, AS AMENDED; AND MODIFYING THE 2001 BUDGET FOR THE TACOMA-PIERCE COUNTY HEALTH DEPARTMENT.

Sponsored by: Councilmember Wendell Brown

Contact person: Federico Cruz, 798-2899 & Patrick Kenney, 798-7450

For referral to the Rules and Operations Committee

Suggested hearing date: November 27, 2001

5. PROPOSAL NO. 2001-98, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2000-93s2, AS AMENDED; AND MODIFYING THE 2001 BUDGET FOR THE PIERCE COUNTY FERRY SERVICES FUND, THE SELF INSURANCE FUND, AND THE WORKERS' COMPENSATION FUND.

Sponsored by: Councilmember Wendell Brown

Contact person: Patrick Kenney, 798-7450

For referral to the Rules and Operations Committee

Suggested hearing date: November 27, 2001

6. PROPOSAL NO. 2001-99, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 4.24 OF THE PIERCE COUNTY CODE; IMPOSING AN ADDITIONAL EXCISE TAX ON EACH SALE OF REAL PROPERTY IN UNINCORPORATED PIERCE COUNTY AT THE RATE OF ONE QUARTER OF ONE PERCENT OF SELLING PRICE, PURSUANT TO THE AUTHORITY AND FOR THE PURPOSES SET FORTH IN RCW 82.46.035 AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmember Wendell Brown
Contact person: Susan Long, 798-6068
For referral to the Committee of the Whole
To be heard by the Committee of the Whole on November
15 and 16, 2001
Suggested hearing date: November 20, 2001

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

Goings moved approval of the Consent Agenda; motion seconded. Rainwater stated the Personnel Department had requested that the Council expedite the passage of the Ordinance ratifying the Collective Bargaining Agreement with the AFSCME and Local 120 bargaining units, stating that the Ordinance number is 2001-100, and has been sponsored by Councilmember Brown.

Goings moved that this Proposal be added as Item No. 7 with a referral to the Rules and Operations Committee, and with a final hearing date set of November 20, 2001; motion seconded and passed.

The Consent Agenda passed as amended on a roll call vote of five to zero.

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

PROPOSAL NO. R2001-173, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE SOUTH HILL ADVISORY COMMISSION. (JOHN C. TAYLOR)

Goings 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. 2000-108s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING A LAND LEASE AGREEMENT BETWEEN PIERCE COUNTY AND PALENT CORPORATION FOR REAL PROPERTY AT PIERCE COUNTY AIRPORT (THUN FIELD).

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

Public Testimony

Bob Pailca, representing Palent Corporation, spoke in support

of passage of the Ordinance, and thanked the Council and County staff for processing this Proposal. He thanked Councilmember Goings for meeting with him and addressing his concerns that had been brought forward. He also commended Bob Snyder, Public Works and Utilities Department, for his hands-on approach in managing the Pierce County Airport at Thun Field.

Carl Vest spoke in opposition to the lease, stating that the South Hill Community Planning Board had been appointed to consider land use issues on South Hill, and this 50-year lease would tie the hands of the Board on this issue.

Goings pointed out that the issue had been studied thoroughly by the Council's Planning and Public Works Committee. He stated public testimony had been taken and considered, and he feels the lease represents a fair compromise.

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

PROPOSAL NO. 2001-76s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING A LAND LEASE AGREEMENT FOR REAL PROPERTY AT PIERCE COUNTY AIRPORT (THUN FIELD) WITH PALENT CORPORATION; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE LEASE.

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

Public Testimony

Carl Vest stated that the comments he provided on Proposal No. 2000-108s pertained to this Ordinance as well. Bob Pailca, representing Palent Corporation, stated that the terms of the lease contain a condition that the lease may be discontinued at any time, according to the terms set forth.

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

PROPOSAL NO. 2001-51s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE UNIFIED SEWER PLAN FOR THE PIERCE COUNTY WASTEWATER UTILITY AS THE PIERCE COUNTY WASTEWATER UTILITY SEWERAGE GENERAL PLAN; INCORPORATING IT INTO THE PIERCE COUNTY CODE AS CHAPTER 19D.70; REPEALING CHAPTER 19D.80 OF THE PIERCE COUNTY CODE, THE CHAMBERS CREEK BASIN WATER QUALITY MANAGEMENT PLAN, PIERCE COUNTY, WASHINGTON; AND ADOPTING FINDINGS OF FACT.

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

Goings moved adoption of Council Amendment No. 1 as set forth

in Attachment I to these minutes; motion seconded. The Clerk read the amendment into the record. The amendment passed on a voice vote.

Staff Testimony

Marsha Huebner, Waste Water Utility, provided a full explanation and overview of the impacts of the adoption of the Unified Sewer Plan.

(Councilmember O'Malley arrived at this point in the meeting.)

Huebner and Brian Stacey responded to questions of Councilmembers regarding responsibilities of other jurisdictions, TMDL requirements, and failing septic systems.

Biskey and Brown thanked Huebner for her many months of work on this project, and commended Committee Members and Council staff for their review.

Rainwater pointed out that the titles of the Sewer Plan and the Technical Appendices contained the words "DRAFT" which should be deleted. O'Malley moved to strike; motion seconded and passed.

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

PROPOSAL NO. 2001-81, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 93-98 TO DELETE THE REQUIREMENT THAT THE COMMISSION ON CHILDREN, YOUTH, AND THEIR FAMILIES AND THE LAW AND JUSTICE COMMISSION MAKE ANNUAL FUNDING RECOMMENDATIONS ON THE USE OF THE COUNTY'S 0.1 PERCENT SALES AND USE TAX FOR CRIMINAL JUSTICE PURPOSES.

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

O'Malley moved Committee Amendment No. 1, which identifies an Ordinance number as 2001-82; motion seconded and passed.

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

PROPOSAL NO. 2001-82, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ACCEPTING THE JUNE 2001 RECOMMENDATIONS OF THE AD HOC TASK FORCE ON CHILDREN, YOUTH, AND THEIR FAMILIES, AS REQUESTED IN RESOLUTION NO. R2001-30S; IMPLEMENTING ONE TASK FORCE RECOMMENDATION BY CREATING AN ALLOCATION ADVISORY COMMITTEE FOR PREVENTION PROGRAMS, TO

RECOMMEND AND MONITOR THE DISTRIBUTION OF THE 25 PERCENT PREVENTION REVENUES OF THE ONE-QUARTER OF ONE PERCENT CRIMINAL JUSTICE SALES AND USE TAX, AS SPECIFIED IN PIERCE COUNTY CODE 4.28.130; SETTING PRIORITIES FOR FUNDING THESE PREVENTION PROGRAMS; ESTABLISHING THE REQUIREMENT THAT PIERCE COUNTY COMMUNITY SERVICES SHALL STAFF THE ADVISORY COMMITTEE; AND SETTING AN ANNUAL REPORTING DEADLINE FOR COMMITTEE RECOMMENDATIONS.

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

Public Testimony

Janis Gall-Martin asked how much money remains in the fund for criminal justice purposes, and where the final authority lies for the approval of the projects to be funded. Pendle responded that the total in the fund is \$1,125,000. The Allocation Committee will make recommendations to the County Council, and the County Council will have final approval of projects and programs that are funded.

O'Malley moved adoption of Council Amendment No. 1 as set forth in Attachment II to these minutes; motion seconded. The Clerk read the amendment into the record. The amendment passed on a voice vote.

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

IX. RESOLUTIONS

PROPOSAL NO. R2001-170, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF 15 MEMBERS TO THE ALLOCATION ADVISORY COMMITTEE FOR PREVENTION PROGRAMS. (BEVERLY M. ARTIS, JOY BROWNE, SHELLY BUTTERFIELD, JANET V. DETERING, RICKARD GUILD, KAREN HANSON, RUSSELL HUMBERD, JAMES T. MITCHELL, HELEN MYRICK, MICHELE NIELSON, G. KATHLEEN O'CONNOR, SARA OFFICER, WES PRUITT, BEVERLY SWAN AND DIANE THOMPSON)

O'Malley moved adoption of R2001-170s; motion seconded. The Clerk read the title into the record.

PROPOSAL NO. R2001-170s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF 15 MEMBERS TO THE ALLOCATION ADVISORY COMMITTEE FOR PREVENTION PROGRAMS. (BEVERLY M. ARTIS, JOY BROWNE, SHELLY BUTTERFIELD, JANET V. DETERING, RICKARD GUILD, KAREN HANSON, RUSSELL HUMBERD, JAMES T. MITCHELL, MICHELE NIELSON, G. KATHLEEN O'CONNOR, SARA OFFICER, WES PRUITT, BEVERLY SWAN AND DIANE THOMPSON)

Staff Testimony

Pendle provided an overview of the Substitute Ordinance, stating the Allocation Advisory Committee is made up of nine to fifteen members. The original Proposal contained fifteen and the Substitute would appoint fourteen. She stated the Substitute deletes reference to term expirations.

Wimsett stated a concern that the Substitute Ordinance had been offered at the last minute without an opportunity for Councilmember review. The individual that was removed resides in his District, and he asked for an explanation.

Biskey stated that she had reviewed all of the applications that had been submitted by the Executive; she felt two names on the list could present some problems when considering applications for funding. The Community Services staff stated that one of the individuals would not have a conflict of interest, but the other would, which is why Biskey is asking that the person be removed from the appointment process. She stated that when this group is formalized, the people that are now being appointed will be able to serve two additional terms.

Wimsett stated that he felt that many of the individuals that are being appointed are involved in various programs relating to Children's Services and Prevention Programs, and did not feel that it was fair to eliminate one person because of outside involvement in children's' issues.

Goings expressed a concern that this appointment had come from the Executive's Office, and the Council's responsibility is to accept or reject his recommendations.

Public Testimony

Helen Myrick stated that she had received a letter congratulating her on her appointment to this Board. She feels that she has no conflict of interest or a bias and would be able to fairly serve. She asked that her name not be omitted from those being appointed.

Janis Gall-Martin spoke in support of the appointment of Helen Myrick to this Board, speaking of her benevolence for youth prevention programs. She stated it would be a disservice to remove Myrick's name from the appointment process.

Stephanie Burbaugh spoke in support of the appointment of

Helen Myrick, stating she is very suited to the Committee.

The Substitute Proposal failed on a vote of two to four; O'Malley, Wimsett, Goings, and Brown voted no.

O'Malley moved adoption of Proposal No. R2001-170; motion seconded.

In response to Pendle's recommendation, O'Malley moved that any reference to term expirations, or staggering be deleted from the Proposal. Motion seconded and passed.

Brown and Wimsett spoke in support of the Proposal, stating that Myrick would be an asset to the Committee.

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

PROPOSAL NO. R2001-111s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REFERRING RECOMMENDATIONS OF THE SEWERAGE AND/OR WATER GENERAL PLAN REVIEW COMMITTEE, REGARDING SANITARY SEWERS, TO THE APPROPRIATE AGENCIES FOR THEIR REVIEW AND REPORT BACK TO THE COUNTY COUNCIL; AND REQUESTING THE COUNTY EXECUTIVE TO REPORT TO THE COUNTY COUNCIL ON THE STATUS OF THE REVIEW.

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

Staff Testimony

Weber stated passage of this Resolution would refer the recommendations of the Sewerage and/or Water General Plan Review Committee to the appropriate agencies for review and recommendation back to the County Council.

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

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at
4:30 p.m.

Attest:

Gerri Rainwater
Clerk of the Council

Approved:

Councilmember Calvin Goings
Acting Council Chair

Date Approved