

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 7, 2000**

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 Casada.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Casada.

III. ROLL CALL

Councilmembers Present: Karen S. Biskey, Wendell Brown, Sarah Casada, Ken Madsen, Pat O'Malley, and Jan Shabro; Harold Moss arrived after the roll call vote.

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 23 visitors present.

IV. APPROVAL OF AGENDA

Brown moved approval of the Agenda; motion seconded and passed.

V. CONSENT AGENDA

a. Approval of Minutes

1. The minutes of the October 3, 2000, regular Council meeting.
2. The minutes of the October 10, 2000, regular Council meeting.
3. The minutes of the October 17, 2000, District No. 4 Council meeting.

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

1. PROPOSAL NO. 2000-60, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 85-79 (PIERCE COUNTY AIRPORT - THUN FIELD MASTER PLAN); AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmember Harold Moss

Contact person: Thomas Weber, 798-6067

DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold

Moss, Chair; Ken Madsen, Vice Chair; Sarah Casada; Pat O'Malley/excused; Jan Shabro)
Suggested date of Council hearing: November 21, 2000

2. PROPOSAL NO. 2000-77, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING THE TRANSFER OF ULTIMATE CONTROL OF THE TELECOMMUNICATIONS FRANCHISE OWNED BY YCOM NETWORKS, INC., TO FAIRPOINT COMMUNICATIONS, INC.
Sponsored by: Councilmember Harold Moss
Contact person: Hudson Stansbury, 798-6643
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Ken Madsen, Vice Chair; Sarah Casada/excused; Pat O'Malley/excused; Jan Shabro)
Suggested date of Council hearing: November 28, 2000
3. PROPOSAL NO. 2000-78, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO SPARTUS COMMERCIAL CORPORATION FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.
Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Ken Madsen, Vice Chair; Sarah Casada/excused; Pat O'Malley/excused; Jan Shabro)
Suggested date of Council hearing: November 28, 2000
4. PROPOSAL NO. 2000-79, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 3.12.070 OF THE PIERCE COUNTY CODE "ETHICS COMMISSION" TO REVISE THE COMPOSITION OF THE COMMISSION; TO REDUCE THE QUORUM REQUIREMENT; AND TO PROVIDE FUNDING FOR STAFF ASSISTANCE.

Sponsored by: Councilmember Sarah Casada
Contact person: Susan Long, 798-6068
DO PASS AS AMENDED RECOMMENDATION - RULES COMMITTEE (Sarah Casada, Chair; Wendell Brown, Vice Chair; Karen S. Biskey; Harold Moss/excused; Jan Shabro)
Suggested date of Council hearing: November 21, 2000
5. PROPOSAL NO. 2000-80, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNDEVELOPED 282ND STREET SOUTH AND 81ST AVENUE SOUTH RIGHTS-OF-WAY WHICH IS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE ROY AREA.
Sponsored by: Councilmember Harold Moss
Contact person: Jennifer Andres, 798-7250
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Ken Madsen, Vice Chair; Sarah Casada/excused; Pat O'Malley/excused; Jan Shabro)

Suggested date of Council hearing: December 5, 2000

6. PROPOSAL NO. 2000-88, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CREATING A NEW CHAPTER 2.49 OF THE PIERCE COUNTY CODE ENTITLED, "PIERCE COUNTY FARM ADVISORY COMMISSION."
Sponsored by: Councilmember Sarah Casada
Contact person: Thomas Weber, 798-6067
DO PASS RECOMMENDATION - RULES COMMITTEE (Sarah Casada, Chair; Wendell Brown, Vice Chair/excused; Karen S. Biskey; Harold Moss; Jan Shabro)
Suggested date of Council hearing: November 21, 2000
7. PROPOSAL NO. 2000-100, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING WAGE ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES; AND AMENDING THE PIERCE COUNTY SALARY AND CLASSIFICATION PLAN.
Sponsored by: Councilmember Sarah Casada
Contact person: Joe Carrillo, 798-6690
For referral to the Rules Committee
Suggested date of Council hearing: November 21, 2000
8. PROPOSAL NO. 2000-101, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ACKNOWLEDGING AND ENDORSING THE RECOMMENDATIONS OF THE PIERCE COUNTY CRIMINAL JUSTICE TASK FORCE; NOTING THE COUNCIL'S RESPONSE TO RECOMMENDATIONS; AND ALLOCATING THE \$1,000,000.00 CRIMINAL JUSTICE TASK FORCE RESERVE FUND, WHICH WAS APPROPRIATED IN THE PIERCE COUNTY YEAR 2000 BUDGET.
Sponsored by: Councilmembers Wendell Brown and Sarah Casada
Contact person: Carolyn Pendle, 798-3631
For referral to the Rules Committee
9. PROPOSAL NO. 2000-104, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 14.20.020, "SPRINKER RECREATION CENTER" AND 14.20.040, "FACILITY USE FEES" OF THE PIERCE COUNTY CODE TO REMOVE PARKING FEES AT SPRINKER, FRONTIER, LAKE TAPPS, AND SPANAWAY COUNTY PARKS.
Sponsored by: Councilmembers Jan Shabro, Karen Biskey, and Pat O'Malley
Contact person: Thomas Weber, 798-6067
For referral to the Rules Committee
To be heard by the Rules Committee on November 13, 2000
Suggested date of Council hearing: November 28, 2000
- c. Action on Resolutions (refer, set date of hearing)
 1. PROPOSAL NO. R2000-88, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ACCEPTING AN AIRPORT MASTER PLAN UPDATE FOR THE PIERCE COUNTY AIRPORT - THUN FIELD LOCATED IN THE SOUTH HILL-PUYALLUP AREA.
Sponsored by: Councilmember Harold Moss

Contact person: Bob Snyder, 798-7109
DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Harold Moss, Chair; Ken Madsen, Vice Chair; Sarah Casada; Pat O'Malley/excused; Jan Shabro)
Suggested date of Council hearing: November 21, 2000

2. PROPOSAL NO. R2000-173, A RESOLUTION OF THE PIERCE COUNTY COUNCIL UPDATING THE GROWTH MANAGEMENT ACT POPULATION ALLOCATIONS TO THE CITIES, TOWNS, AND UNINCORPORATED AREAS OF PIERCE COUNTY FOR THE YEAR 2017.

Sponsored by: Councilmember Pat O'Malley
Contact person: Dan Cardwell, 798-7039
For referral to the Planning Committee

3. PROPOSAL NO. R2000-174, A RESOLUTION OF THE PIERCE COUNTY COUNCIL RATIFYING THE SALE OF THE SURPLUS TAX-TITLE REAL PROPERTY WHICH IS LOCATED AT 1113 & 1115 BROADWAY AVENUE, TACOMA, WASHINGTON, AS REQUIRED BY PIERCE COUNTY CODE 2.110.120.

Sponsored by: Councilmember Sarah Casada
Contact person: Suzanne Hedlund, 798-6880
For referral to the Rules Committee

d. Other Items

Brown 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

Special Award from the Washington State Department of Ecology to Wilcox Farms: Sue Mauermann, Regional Director, SW Regional Office. The award was received by Barry Wilcox and Ken Hooper of Wilcox Farms, who thanked the Council and Department of Ecology for their recognition.

VIII. ORDINANCES

PROPOSAL NO. 2000-89, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING TITLE 9 OF THE PIERCE COUNTY CODE BY ADOPTING A NEW CHAPTER 9.54, "REGULATION OF PURCHASE/SALE OF EPHEDRINE."

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

Brown moved adoption of Council Amendment No. 1 as set forth in Attachment I to these minutes; motion seconded and passed. Brown explained passage of this amendment would include possession along with the purchase and sale of ephedrine, and

would mirror language that the City of Tacoma will be amending into their Ordinance.

Public Testimony

Councilmember Kevin Phelps, City of Tacoma, stated the City Council has started the process of changing their Ordinance to also add the language regarding possession, and to change the penalty from a misdemeanor to a gross misdemeanor. He stated the City of Tacoma is encouraging other jurisdictions to adopt similar language to aid in uniform enforcement.

The amendment passed.

Public Testimony

Helen Myrick spoke in support of the Ordinance, stating children in methamphetamine (meth) lab homes are at extreme risk in terms of health and safety.

Dave Perry of the Sheriff's Lab Team, and Paul Pastor, Interim Sheriff, spoke in support of the Ordinance, and thanked the Council for their leadership in this issue, stating that currently the Sheriff's office is shutting down one meth lab each day.

Shabro stated it is her hope that the State Legislature will address legislation on a Statewide level, following the lead of Tacoma and Pierce County.

In response to Moss' question as to what is the next step, Pastor stated the County must support prevention and education programs, and additional enforcement resources.

Brown thanked the Sheriff and the Meth Lab Team for their successes in controlling the epidemic of meth labs in Pierce County, and stated he looks forward to the annual report set forth in the Ordinance to measure the success of the program.

Sergeant Dewey spoke in support of the program, stating it is a good tool that allows the Sheriff to enhance their success in enforcement.

At the suggestion of Legal Counsel, Brown moved an amendment on page 2 of 2 of Exhibit "A" at line 1-1/2, following the word "retailer" delete the word "knowingly"; motion seconded and passed.

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

PROPOSAL NO. 2000-99s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 14.20.020, "SPRINKER RECREATION CENTER" AND 14.20.040, "FACILITY USE FEES" OF THE PIERCE COUNTY CODE TO REMOVE PARKING FEES AT COUNTY PARKS; DIRECTING THE COUNTY EXECUTIVE TO HAVE THE FEE COLLECTION BOOTH REMOVED; AND ADOPTING A NEW SUBSECTION 14.20.040 R. WHICH CREATES FEES FOR SPECIAL EVENTS AND ACTIVITIES.

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

Brown stated the Rules Committee has created a substitute version of this Ordinance by removing the parking fees for all parks in Pierce County. He stated the substitute version went beyond the scope and object of the original Ordinance, and moved Council Amendment No. 1 as set forth in Attachment II to these minutes, which is to delete the added language contained in the substitute version, and revert back to the originally introduced Proposal of 2000-99 which dealt strictly with parking fees at Fort Steilacoom Park; 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 one; Moss voted no.

PROPOSAL NO. 2000-34s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RECONSIDERING THE DESIGNATION OF CERTAIN PROPERTIES IN COMPREHENSIVE PLAN AMENDMENT M-8, WHICH WAS APPROVED IN ORDINANCE NO. 99-93S2; AMENDING ORDINANCE NO. 99-93S2 BY ADDING FINDINGS OF FACT PURSUANT TO THE GROWTH MANAGEMENT ACT, CHAPTER 36.70A REVISED CODE OF WASHINGTON, TO RESOLVE AN APPEAL TO THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD, DAVID AND MEREDITH KENYON V. PIERCE COUNTY AND DANA MEEKS, CASE NO. 99-3-0020; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Graham provided an overview of the Ordinance to Council, stating the Proposal is intended to resolve an appeal to the Growth Management Hearings Board, which alleges the County violated the Growth Management Act when portions of Map Amendment M-8 were reclassified to Master Planned Resort, and adds Findings of Fact to support the decision.

Public Testimony

Jim Hanmacher, representing the Kenyons and the Gold Hill Community Club, stated this Ordinance would not resolve the appeal nor accomplish anything in that regard. He stated the parties are not opposed to the Dana Meeks proposal, and further the Findings do not comply with state law. He stated he does not feel the appropriate process was followed by the County, and that environmental concerns have not been addressed, especially in regards to slope stability. He asked that the County remove Gold Hill and Eagleslair from the Ordinance and adopt an amendment offered by Councilmember Madsen that was printed on a purple sheet.

Margaret Archer, representing Dana Meeks, spoke in support of the Ordinance, stating the Meeks do not wish to avoid the appropriate process, but wish to have the property zoned consistent prior to submitting the PUD application.

Ken Madden, representing the Crystal Conservation Coalition, stated he had attended several meetings on this issue and supports the Madsen amendment. He stated if the amendment were adopted, it would keep the matter out of litigation. He asked the Council to postpone the issue until the Growth Management Hearings Board has made their recommendation and the EIS is complete.

O'Malley moved Council Amendment No. 1 as set forth in Attachment III to these minutes; motion seconded and passed.

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

PROPOSAL NO. 2000-35s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE PIERCE COUNTY ZONING ATLAS TO IMPLEMENT PORTIONS OF MAP AMENDMENT M-8, ADOPTED IN ORDINANCE NO. 99-93S2 AND CONFIRMED IN ORDINANCE NO. 2000-34; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Graham stated this Ordinance implements the reclassification of Gold Hill and Eagleslair to Master Planned Resort in the County's Zoning Atlas, and is a companion to the previous Ordinance.

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

PROPOSAL NO. 2000-82, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF BONNEY MILL ROAD WHICH IS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 5 EAST, IN THE SNAG ISLAND AREA.

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

Staff Testimony

Jennifer Andres, Public Works and Utilities Department, stated this property was deeded to Pierce County in 1913. The right-of-way is now Snag Island Drive, and has been realigned. This portion has never been developed and is not needed in the County road system. The County Engineer recommends passage of this Ordinance to vacate the right-of-way.

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

IX. RESOLUTIONS

PROPOSAL NO. R2000-156, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING THE INTENT TO VACATE A PORTION OF 282ND STREET SOUTH AND 81ST AVENUE SOUTH LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, LOCATED IN THE ROY AREA; AND DIRECTING THE COUNTY ENGINEER TO EXAMINE THE INTENDED VACATION AND REPORT THE FINDINGS AND CONCLUSIONS THEREOF TO THE COUNCIL.

Brown moved adoption; motion seconded. The Clerk read the title

into the record.

Staff Testimony

Andres stated the Council has requested this Resolution to declare intent to vacate, and an Ordinance will follow in the process upon receiving the report of the County Engineer.

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

PROPOSAL NO. R2000-168, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DIRECTING THE PIERCE COUNTY EXECUTIVE TO DEVELOP AN INTERIM TRAFFIC IMPACT MITIGATION PROGRAM FOR THE SOUTH HILL AREA UNDER THE AUTHORITY OF RCW 82.02.020 WHICH: ESTABLISHES A TRANSPORTATION SERVICE AREA FOR THE SOUTH HILL AREA; IDENTIFIES THE TRANSPORTATION IMPACTS OF EXISTING AND FUTURE GROWTH; IDENTIFIES THE IMPROVEMENTS NECESSARY TO MEET FUTURE GROWTH; AND DEVELOPS A VOLUNTARY PAYMENT IN LIEU OF SPECIFIC MITIGATION, AND TO DEVELOP A COUNTY-WIDE TRAFFIC IMPACT FEE PROGRAM UNDER THE AUTHORITY OF RCW 82.02.050 THROUGH RCW 82.02.100; AND ESTABLISHES A SCHEDULE FOR REPORTING PROGRESS ON THE DEVELOPMENT OF THE INTERIM AND COUNTY-WIDE PROGRAMS.

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

Staff Testimony

Karen Goon, Public Works and Utilities Department, stated that she feels the title does not reflect all the complicated issues contained in the Resolution, and expressed a concern that it would be difficult to complete the study in the time set forth.

Brown moved Council Amendment No. 1 as set forth in Attachment IV to these minutes; motion seconded and passed.

Public Testimony

Bill Forth, representing the Master Builders Association, stated his group is interested in being at the table during the discussions of this study to ensure that all interests are represented. He stated the Association prefers mitigation fees to impact fees.

Dave Morrell, representing the South Hill Citizens' Advisory Board, stated this process was started by the Board to change the direction of how Pierce County deals with traffic mitigation in urban growth areas.

Hedd Miller asked that the Council consider transportation alternatives, such as non-motorized transportation.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Brown moved to certify the following budget certifications, and instruct the Clerk of the Council to forward the Certifications to the Pierce County Assessor-Treasurer's Office, pursuant to Revised Code of Washington 84.52.020; motion seconded and passed:

a. City of Orting (Cities/Towns and Emergency Medical Service)

2. Brown moved to amend the November 13-17, 2000, Meeting Schedule by adding Proposal No. 2000-104 to the November 14, 2000, Rules Committee agenda; motion seconded and passed

XI. GENERAL PUBLIC COMMENTS

1. Councilmember Madsen requested a point of personal privilege, which was granted. Madsen apologized for the remarks he had made earlier at a budget hearing, stating he in no way intended to insult the Humane Society or the Enforcement Officer.

2. Gerri Rainwater asked to address the Council to acknowledge the recent death of Ms. Kelly Nelson, a former Planning and Land Services Department employee who, had worked closely with the

Council Agenda
November 7, 2000

County Council and Staff in the adoption of the County's
Comprehensive Land Use Plan, and other planning issues.

XI. ADJOURNMENT

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

Attest:

Clerk of the Council

Approved:

Council Chair

Date Approved

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