

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 12, 2002**

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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 Vice Chair O'Malley.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by O'Malley.

III. ROLL CALL

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

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

There were approximately 15 visitors present.

IV. APPROVAL OF AGENDA

Wimsett moved approval of the Agenda; motion seconded and passed on a voice vote.

V. CONSENT AGENDA

a. Approval of Minutes

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

1. PROPOSAL NO. 2002-58, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 2001-9 WHICH GRANTED A TELECOMMUNICATIONS FRANCHISE TO ELECTRIC LIGHTWAVE, INCORPORATED.

Sponsored by: Councilmember Pat O'Malley

Contact person: Hudson Stansbury, 798-7477

DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat

Pierce County Council Meeting
November 12, 2002

O'Malley, Chair; Kevin Wimsett, Vice Chair/excused;
Karen Biskey, Member/excused; Calvin Goings, Member,
Harold Moss, Member)

Suggested date of Council hearing: December 10, 2002

2. PROPOSAL NO. 2002-59, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 12.32 OF THE PIERCE COUNTY CODE, TO COMPLY WITH THE TELECOMMUNICATIONS ACT OF 1996, AS INTERPRETED BY THE NINTH CIRCUIT U. S. COURT OF APPEALS.

Sponsored by: Councilmember Pat O'Malley

Contact person: Hudson Stansbury, 798-7477

DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair/excused; Karen Biskey, Member/excused; Calvin Goings, Member, Harold Moss, Member)

Suggested date of Council hearing: December 10, 2002

3. PROPOSAL NO. 2002-60, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 12.34 OF THE PIERCE COUNTY CODE, TO COMPLY WITH THE TELECOMMUNICATIONS ACT OF 1996, AS INTERPRETED BY THE NINTH CIRCUIT U. S. COURT OF APPEALS.

Sponsored by: Councilmember Pat O'Malley

Contact person: Hudson Stansbury, 798-7477

DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair/excused; Karen Biskey, Member/excused; Calvin Goings, Member, Harold Moss, Member)

Suggested date of Council hearing: December 10, 2002

4. PROPOSAL NO. 2002-62, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE FOR ELECTRIC LIGHTWAVE, INC., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY IS IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR VIOLATIONS OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE AGREEMENT.

Sponsored by: Councilmember Pat O'Malley

Contact person: Hudson Stansbury, 798-7477

DO PASS RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair/excused; Karen Biskey, Member/excused; Calvin Goings, Member, Harold Moss, Member)

Suggested date of Council hearing: December 10, 2002

5. PROPOSAL NO. 2002-103, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.24 OF THE PIERCE COUNTY CODE, "PROBATION SERVICES", TO UPDATE THE LANGUAGE AND MAKE IT CONSISTENT WITH THE RECENT AMENDMENTS TO CHAPTER 2.54 OF THE PIERCE COUNTY CODE, "DISTRICT COURT DISTRICTING PLAN" AND THE CONSOLIDATED PIERCE COUNTY DISTRICT COURT SYSTEM; AND SETTING AN EFFECTIVE DATE.
Sponsored by: Councilmember Kevin Wimsett
Contact person: Susan Long, 798-6068
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE (Harold Moss, Chair; Pat O'Malley, Vice Chair/excused; Wendell Brown, Member)
Suggested date of Council hearing: December 10, 2002
6. 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
DO PASS AS AMENDED RECOMMENDATION - RULES & OPERATIONS COMMITTEE (Harold Moss, Chair; Pat O'Malley, Vice Chair/excused; Wendell Brown, Member)
Suggested date of Council hearing: December 10, 2002
7. PROPOSAL NO. 2002-117s, 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
DO PASS AS SUBSTITUTED RECOMMENDATION - PUBLIC WORKS COMMITTEE (Pat O'Malley, Chair; Kevin Wimsett, Vice Chair/excused; Karen Biskey, Member; Calvin Goings, Member/excused, Harold Moss, Member)
Suggested date of Council hearing: December 10, 2002
8. PROPOSAL NO. 2002-127, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PROHIBITING THE DISCHARGE OF FIREARMS IN PORTIONS OF THE UNINCORPORATED AREAS OF SECTIONS 33 AND 34, TOWNSHIP 18, RANGE 2 EAST, AND SECTIONS 3 AND 4, TOWNSHIP 17, RANGE 2 EAST, IN PIERCE COUNTY IN THE ROY AREA.

Sponsored by: Councilmember Pat O'Malley
Contact person: Thomas Weber
For referral to the Public Safety and Human Services
Committee

9. PROPOSAL NO. 2002-128, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTION 10.36.010 "LIMITS ESTABLISHED"; DELETING REFERENCES TO THE FERRY "ISLANDER" WHICH THE COUNTY NO LONGER OWNS; AND RESTRICTING THE MAXIMUM VEHICLE LENGTH TO 38 FEET AND THE MAXIMUM LOAD LIMIT TO 67,500 POUNDS ON THE PIERCE COUNTY FERRY "M/V STEILACOOM."

Sponsored by: Councilmember Pat O'Malley
Contact person: Don Peterson, 798-3147
For referral to the Public Works Committee

10. PROPOSAL NO. 2002-124s AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 8.88.460 B. OF THE PIERCE COUNTY CODE, REGARDING WATERCRAFT REGULATIONS FOR LAKE TAPPS.

Sponsored by: Councilmember Jan Shabro
Contact person: Tom Weber, 798-6067
DO PASS AS SUBSTITUTED RECOMMENDATION - PUBLIC WORKS COMMITTEE (Kevin Wimsett, Chair; Calvin Going, Vice Chair; Karen Biskey, Member; Jan Shabro, Member; Harold Moss, Member/excused)
Suggested date of Council hearing: December 10, 2002

11. PROPOSAL NO. 2002-126, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-86s3, AS AMENDED, INCREASING THE 2002 BUDGET FOR THE DEPARTMENT OF ASSIGNED COUNSEL, THE FERRY SERVICES FUND, AND THE WORKERS' COMPENSATION FUND; ESTABLISHING THE LOW INCOME HOUSING FUND, AND PROVIDING A 2002 APPROPRIATION FOR THAT FUND.

Sponsored by: Councilmember Harold Moss
Contact person: Patrick Kenney, 798-7450
To be heard by the Rules and Operations Committee on November 18, 2002
Suggested date of Council hearing: December 10, 2002

12. PROPOSAL NO. 2002-130, AND ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 4.48.010 OF THE PIERCE COUNTY CODE, "GENERAL FUND", PROHIBITING THE USE OF THE COUNTY GENERAL FUND FOR PUGET SOUND BEHAVIORAL HEALTH.

Sponsored by: Councilmembers Karen S. Biskey, Wendell Brown, and Jan Shabro

Contact person: Tom Weber, 798-6067

For referral to the Committee of the Whole

Suggested date of Council hearing: December 10, 2002

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

d. Other Items

1. Motion 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:

- City of DuPont (Cities/Towns & Emergency Medical Service)

Wimsett moved approval of the Consent Agenda; motion seconded.

At the suggestion of Weber an Item 13 was added, 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, setting a date of Council hearing of December 10, 2002.

The Consent Agenda passed as amended on a roll call vote of four 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 October 29, 2002, was read into the record:

ORDINANCE NO. 2002-89, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL LEVYING AN ASSESSMENT IN 2002, FOR COLLECTION IN 2003, AGAINST LAND IN PIERCE COUNTY FOR THE CONTROL OF NOXIOUS WEEDS.

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS - None

Moss and Biskey arrived at the meeting.

VIII. ORDINANCES

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.

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

Staff Testimony

Long explained passage of this Proposal would correct term beginning dates for members of the Citizens' Advisory Boards that are listed in the title. She stated the change is technical in nature, and deletes the mandatory September 1 beginning date terms.

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

PROPOSAL NO. 2002-113s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE GIG HARBOR PENINSULA COMMUNITY PLAN; MAKING TECHNICAL CORRECTIONS TO TITLES 18 AND 18A OF THE PIERCE COUNTY CODE (PCC); MAKING MINOR CHANGES TO COUNTY-WIDE REGULATIONS REGARDING SIGNS (TITLE 18B PCC) AND DESIGN STANDARDS (TITLE 18J PCC); AMENDING TITLE 18 "PIERCE COUNTY DEVELOPMENT REGULATIONS - GENERAL PROVISIONS"; AMENDING TITLE 18A "DEVELOPMENT REGULATIONS - ZONING"; AMENDING TITLE 18B "DEVELOPMENT REGULATIONS - SIGNS"; AMENDING TITLE 18J "DEVELOPMENT REGULATIONS - DESIGN STANDARDS AND GUIDELINES; AMENDING THE PIERCE COUNTY ZONING ATLAS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

O'Malley 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.

Staff Testimony

Graham provided an overview of the Proposal and the effects of Amendment No. 1, stating it is technical in nature, and keeps the language consistent with the amendments that were adopted in Committee that are contained in the Substitute version.

Biskey stated the City of Gig Harbor's Standards had been incorporated into the County's Standards for consistency.

In response to Goings' concern that the amendment had nothing to do with the Tacoma Industrial Airport, Graham stated it does not.

The amendment passed on a voice vote.

In response to a concern of Biskey's regarding allowing Staff time to prepare an amendment, O'Malley moved that the Proposal and the amendment be tabled; motion seconded and passed.

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.

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

Staff Testimony

Les Olsen, Public Works and Utilities Department, stated this property abuts McChord Air Force Base, and the Petitioner is requesting the vacation. He stated the Applicant is proposing to plat his property, and this vacation runs through the property. The Department supports the request to vacate.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of five to zero (Biskey was excused at the time of roll call).

IX. RESOLUTIONS

PROPOSAL NO. R2002-122, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF GIG HARBOR TO PROVIDE FOR JOINT PLANNING WITHIN THE CITY'S URBAN GROWTH AREA, CONSISTENT WITH THE ADOPTED GIG HARBOR PENINSULA COMMUNITY PLAN, CHAPTER 19B.10 OF THE PIERCE COUNTY CODE (PCC), AND IMPLEMENTING REGULATIONS, PCC TITLES 18, 18A, 18B, AND 18J.

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

Goings stated this Proposal is no longer necessary because of changes made in Committee to Proposal No. 2002-113s. He asked that the Council defeat this Proposal.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

1. O'Malley moved approval of the Meeting Schedule for the week of November 18-22, 2002; motion seconded. The Clerk reviewed with Council the Meeting Schedule. The Meeting Schedule was approved on a voice vote.
2. O'Malley moved approval of the Council Agenda for November 19, 2002; motion seconded. The Clerk reviewed the Agenda with Council, indicating that one hearing date needed to be changed to January 7, 2003. The Council Agenda was approved as amended on a voice vote.

Proposal No. 2002-113s, cont.

Goings moved that Proposal No. 2002-113s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE GIG HARBOR PENINSULA COMMUNITY PLAN; MAKING TECHNICAL CORRECTIONS TO TITLES 18 AND 18A OF THE PIERCE COUNTY CODE (PCC); MAKING MINOR CHANGES TO COUNTY-WIDE REGULATIONS REGARDING SIGNS (TITLE 18B PCC) AND DESIGN STANDARDS (TITLE 18J PCC); AMENDING TITLE 18 "PIERCE COUNTY DEVELOPMENT REGULATIONS - GENERAL PROVISIONS"; AMENDING TITLE 18A "DEVELOPMENT REGULATIONS - ZONING"; AMENDING TITLE 18B "DEVELOPMENT REGULATIONS - SIGNS"; AMENDING TITLE 18J "DEVELOPMENT REGULATIONS - DESIGN STANDARDS AND GUIDELINES; AMENDING THE PIERCE COUNTY ZONING ATLAS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT, be removed from the table; motion seconded and passed on a voice vote.

Biskey stated that several hearings have been held on this Proposal, and that at the last minute a request from the Federal Aviation Administration (FAA) and the City of Tacoma was received for further amendments. She stated a concern that the Airport Advisory Commission be activated to continue the discussion of these proposed amendments.

Biskey moved adoption of Council Amendment No. 3 as set forth in Attachment II to these minutes; motion seconded.

Staff Testimony

Mike Kruger, Planning and Land Services Department, stated that was an error in the amendment, and it should read "on page 67 of 71" rather "than 70 of 71", to strike Finding C, and to make "C" a new "D"; Biskey so moved; motion seconded.

Following a discussion of the amendment with Staff, the Chair called for public testimony.

Public Testimony

Arthur Astern, a pilot, stated that the 65-decibel should be a maximum level, and not an average level. He stated he does not feel that the Airport staff is monitoring noise levels at the Airport.

David Otto, an airport user, stated he supports the request to use FAA Standards, and that they should be superceded by local authorities.

Mark Rickenbrow spoke in support of the amendment, and thanked Councilmember Biskey for her work on the community's behalf. He stated if noise levels warrant a further study, that it would be funded by the FAA.

Terry Lee spoke in favor of the amendment, and expressed a concern about the time sequence of a study, and when a study would be brought into play. He wondered what the citizens can expect with regards to the study process, and how long it might take. Kruger responded saying that the study is not triggered by noise levels, and must be requested by the local authorities.

Catherine Mitchell, City of Tacoma, asked for a copy of Amendment No. 3, stating she had not had an opportunity to review the amendment. She stated the FAA regulates the noise levels at the Airport, and there is no other process.

The amendment passed as amended on a roll call vote.

Staff Testimony

Chip Vincent, Planning and Land Services Department, provided a handout containing an amendment. Moss moved adoption; the amendment died for lack of a second. A copy of the amendment is contained in the Ordinance file.

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

XI. GENERAL PUBLIC COMMENTS

O'Malley paid recognition to Veterans' Day, and thanked those who have served in the military armed forces.

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XII. ADJOURNMENT

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

Attest:

Gerri Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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