

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 13, 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, Harold Moss, Pat O'Malley, Jan Shabro, and Kevin Wimsett.

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

There were approximately seven visitors present.

IV. APPROVAL OF AGENDA

Moss 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. 2001-65, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 2.67 OF THE PIERCE COUNTY CODE, SOUTHWEST PIERCE COUNTY ADVISORY COMMISSION; ADOPTING A NEW CHAPTER 2.67 OF THE PIERCE COUNTY CODE, SOUTHWEST PIERCE COUNTY ADVISORY COMMISSION, TO BE CONSISTENT WITH THE PROVISIONS OF CHAPTER 2.45 OF THE PIERCE COUNTY CODE; CHANGING THE NUMBER OF MEMBERS OF THE COMMISSION TO FIVE; AND

ADJUSTING THE JURISDICTIONAL BOUNDARIES.

Sponsored by: Councilmember Kevin Wimsett

Contact person: Anna Graham, 798-6253

DO PASS RECOMMENDATION - PLANNING & PUBLIC WORKS
COMMITTEE

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

Suggested date of Council hearing: November 27, 2001

2. PROPOSAL NO. 2001-66, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 2.62 OF THE PIERCE COUNTY CODE, SPANAWAY ADVISORY COMMISSION; ADOPTING A NEW CHAPTER 2.62 OF THE PIERCE COUNTY CODE, SPANAWAY ADVISORY COMMISSION, TO BE CONSISTENT WITH THE PROVISIONS OF CHAPTER 2.45 OF THE PIERCE COUNTY CODE; AND ADJUSTING THE JURISDICTIONAL BOUNDARIES.

Sponsored by: Councilmember Kevin Wimsett

Contact person: Anna Graham, 798-6253

DO PASS RECOMMENDATION - PLANNING & PUBLIC WORKS
COMMITTEE

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

Suggested date of Council hearing: November 27, 2001

3. PROPOSAL NO. 2001-68, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PORTIONS OF CHAPTER 8.88 OF THE PIERCE COUNTY CODE, WATERCRAFT REGULATIONS, REGARDING THE RULES, OPERATION, AND THE USE OF VESSELS AND WATERCRAFT ON THE WATERS OF UNINCORPORATED PIERCE COUNTY.

Sponsored by: Councilmember Pat O'Malley

Contact person: Gerald Lawrence, 798-4953

DO PASS RECOMMENDATION - PLANNING & PUBLIC WORKS
COMMITTEE

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

Suggested date of Council hearing: November 27, 2001

4. PROPOSAL NO. 2001-83, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF ELHI HILL COUNTY ROAD RIGHT-OF-WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN THE SUMNER AREA.

Sponsored by: Councilmember Harold Moss

Contact person: Jennifer Andres, (253) 798-2720

DO PASS RECOMMENDATION - PLANNING & PUBLIC WORKS
COMMITTEE

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(Karen Biskey, Co-Chair; Harold Moss, Co-Chair/
excused; Calvin Goings, Vice-Chair; Jan Shabro,
Member, Kevin Wimsett, Member)
Suggested date of Council hearing: December 11, 2001

5. PROPOSAL NO. 2001-93s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 4A.20.020, 4A.20.030, 4A.30.020, AND 4A.30.030 OF THE PIERCE COUNTY CODE, PIERCE COUNTY IMPACT FEES, TO PROVIDE FOR AN ANNUAL ADJUSTMENT TO THE SCHOOL AND PARK IMPACT FEE MAXIMUM FEE OBLIGATIONS, BASED ON THE CONSUMER PRICE INDEX ; AND AMENDING SECTION 4A.30.010 OF THE PIERCE COUNTY CODE, TO DESCRIBE THE INFORMATION NEEDED IN SCHOOL DISTRICT CAPITAL FACILITY PLANS SUBMITTED TO THE COUNTY.

Sponsored by: Councilmember Jan Shabro
Contact person: Carolyn Pendle, 798-3631

DO PASS AS SUBSTITUTED RECOMMENDATION - PLANNING & PUBLIC WORKS COMMITTEE (Karen Biskey, Co-Chair; Harold Moss, Co-Chair; Calvin Goings, Vice-Chair; Jan Shabro, Member, Kevin Wimsett, Member)
Suggested date of Council hearing: November 27, 2001

6. PROPOSAL NO. 2001-102, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RENEWING THE MORATORIUM ESTABLISHED BY ORDINANCE NO. 2001-46s ON NEW CONSTRUCTION AND PERMITS ON ALL UNZONED GOVERNMENT LAND ON McNEIL ISLAND FOR SIX MONTHS; ACKNOWLEDGING THE COUNCIL'S COMPLIANCE WITH THE PUBLIC HEARING REQUIREMENT OF REVISED CODE OF WASHINGTON 36.70A.390; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmember Wendell Brown
Contact person: Susan Long, 798-6068

Suggested date of Council hearing: December 4, 2001

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

1. PROPOSAL NO. R2001-183, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE COUNCIL CHAIR TO ENTER INTO AN AMENDED PERSONAL SERVICES CONTRACT FOR FISCAL YEAR 2001, FOR THE EMPLOYMENT OF THE PIERCE COUNTY HEARING EXAMINER AND DEPUTY HEARING EXAMINERS, BY ADDING FIVE ADDITIONAL DEPUTY HEARING EXAMINERS. (ROBERT DENOMY, ANTONI H. FROEHLING, JOHN PURBAUGH, JOE M. QUAINANCE, AND ADAM TOREM)

Sponsored by: Councilmember Pat O'Malley
Contact person: Shawn Bunney, 798-3388

For referral to the Rules and Operations Committee

d. Other Items

Moss moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of seven to zero.

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

1. A message from the Executive transmitting the following Ordinances, which were approved and signed on October 30, 2001, was read into the record:

ORDINANCE NO. 2001-67, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SUBSECTIONS 18A.25.250 B. AND 18A.25.150 E. OF THE PIERCE COUNTY CODE, TO ESTABLISH LEVELS FOR EDUCATION SERVICES; TO PERMIT LEVEL 1 EDUCATIONAL SERVICES IN THE RURAL SEPARATOR ZONE.

ORDINANCE NO. 2001-78, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE FRANCHISE AND LEASE AGREEMENT WITH AT&T WIRELESS SERVICES OF WASHINGTON, LLC, FOR WIRELESS TELECOMMUNICATIONS ANTENNAE AND EQUIPMENT TO BE PLACED ON PROPERTY OWNED BY PIERCE COUNTY LOCATED AT 215 SOUTH 36TH STREET, TACOMA, WASHINGTON, TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE FRANCHISE; PROVIDING FOR THE STANDARDS, CONDITIONS, RENTAL AMOUNT, AND OTHER TERMS OF SUCH OCCUPANCY; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS THEREOF; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AND LEASE AGREEMENT.

ORDINANCE NO. 2001-80, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.60 OF THE PIERCE COUNTY CODE, BY ADDING A SIXTH POSITION TO THE BOARD OF COMMISSIONERS OF THE PIERCE COUNTY HOUSING AUTHORITY.

2. A message from the Executive transmitting the following Ordinance, which was approved and signed on November 1, 2001, was read into the record:

ORDINANCE NO. 2001-63s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2001 AMENDMENTS TO THE PIERCE COUNTY COMPREHENSIVE PLAN; AMENDING PIERCE COUNTY CODE TITLE 19A, PIERCE COUNTY COMPREHENSIVE PLAN, TITLE 19, COMPREHENSIVE PLAN - HISTORY AND BACKGROUND, AND TITLE 19D, OTHER COMPREHENSIVE PLANNING DOCUMENTS; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

PROPOSAL NO. R2001-180, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF TWO EXISTING MEMBERS TO THE PIERCE COUNTY LANDMARKS COMMISSION. (J. M. "ANDY" ANDERSON AND GERALD HEDLUND)

Moss 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 seven to zero.

PROPOSAL NO. R2001-181, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER AND THE REAPPOINTMENT OF TWO EXISTING MEMBERS TO THE PIERCE COUNTY GOLF COURSE CITIZENS' ADVISORY BOARD. (MIKE METCALF, FRED WHITE, AND RICHARD WOOSTER)

Moss 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 seven to zero.

PROPOSAL NO. R2001-182, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF THREE NEW MEMBERS TO THE PARKLAND AREA ADVISORY COMMISSION. (RICHARD E. PEASE, JR., CLAUDIA FINSETH, AND NELL BATKER)

Moss 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 seven to zero.

VIII. ORDINANCES

PROPOSAL NO. 2001-71, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING SUPPLEMENTAL FRANCHISE NO. 1 TO VALLEY WATER DISTRICT TO EXPAND THE AREA FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY.

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

Staff Testimony

Jennifer Andres, Public Works and Utilities Department, stated the Proposal was heard in Committee and received a do pass recommendation. She stated the Valley Water District

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has updated their Comprehensive Plan, has met all conditions, and the request is in compliance with regulations.

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

PROPOSAL NO. 2001-72, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO KANOOGA BEACH WATER SYSTEM, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY AND OTHER COUNTY PROPERTY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

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

Staff Testimony

Andres stated this request has been received to grant a franchise to Kanooga Beach Water System, as some of the wells in the area are being infiltrated by salt water. There is a need to cross County roads, and this request is approved by the affected Departments.

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

ORDINANCE NO. 2001-84s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2002-2007 TRANSPORTATION IMPROVEMENT PROGRAM AND 2002-2015 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 2002; AND ADOPTING FINDINGS OF FACT. (ANNUAL ROAD PROGRAM, SIX-YEAR ROAD PROGRAM, AND THE FOURTEEN-YEAR FERRY PROGRAM)

Moss moved that the Proposal be continued to November 20, 2001; motion seconded and passed.

PROPOSAL NO. 2001-92s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING YEAR 2001 AMENDMENTS TO THE CAPITAL FACILITIES ELEMENT OF THE PIERCE COUNTY COMPREHENSIVE PLAN; AMENDING TITLE 19E OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES - SIX YEAR FINANCING PLAN; AMENDING CHAPTER 19A.100 OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES ELEMENT; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

Moss moved that the Proposal be continued to November 20, 2001; motion seconded and passed.

IX. RESOLUTIONS

PROPOSAL NO. R2001-179, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SETTING THE DATE OF AN EVENING COUNCIL MEETING IN COUNCIL DISTRICT NO. 5, FOR TUESDAY, NOVEMBER 27, 2001, AT LYON ELEMENTARY SCHOOL, 101 EAST 46TH STREET, TACOMA, WASHINGTON.

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

O'Malley moved an amendment on page 1 at line 24 to change the time from 7:00 p.m. to 5:00 p.m.; 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 seven to zero.

PROPOSAL NO. R2001-130, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ADOPTING THE PIERCE COUNTY REPETITIVE LOSS PLAN JULY 2001, RELATING TO FLOODING PROBLEMS AND SOLUTIONS.

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

Moss 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 motion was seconded and passed.

Staff Testimony

Randy Brake, Surface Water Management Division, provided an overview of the Repetitive Loss Plan. He responded to questions of Councilmembers regarding identification of repetitive loss properties and various tables in the Plan. In response to Brown's question, he stated in Exhibit A there are no condemnation requirements from FEMA as all property sales are voluntary.

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

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X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at
3:35 p.m.

Attest:

Gerri Rainwater
Clerk of the Council

Approved:

Wendell Brown
Council Chair

Date Approved

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