

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
NOVEMBER 19, 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](http://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: Karen S. Biskey, Wendell Brown, Calvin Goings, Harold Moss, Pat O'Malley, Jan Shabro, and Kevin Wimsett.

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

There were approximately 12 visitors present.

**IV. APPROVAL OF AGENDA**

O'Malley moved approval of the Agenda; motion seconded and passed on a voice vote.

**V. CONSENT AGENDA**

a. Approval of Minutes

1. The regular meeting of the October 15, 2002, regular Council meeting.
2. The regular meeting of the October 22, 2002, regular Council meeting.
3. The regular meeting of the October 29, 2002, regular Council meeting.

- b. Action on Ordinances (refer, set date of hearing)
1. PROPOSAL NO. 2002-97s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO ALDER MUTUAL LIGHT CO., INC., OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC 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: January 7, 2003
  2. PROPOSAL NO. 2002-129, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO PENINSULA LIGHT COMPANY, INC., FOR LOCATION OF WATER LINES OF 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
  3. 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, 798-6067  
Suggested date of Council hearing: January 7, 2003
- c. Action on Resolutions (refer, set date of hearing)
1. PROPOSAL NO. R2002-118s, 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

DO PASS AS SUBSTITUTED RECOMMENDATION - PLANNING & ENVIRONMENT COMMITTEE (Calvin Goings, Chair; Kevin Wimsett, Vice Chair; Karen Biskey, Member; Wendell Brown, Member/excused; Jan Shabro, Member)  
Suggested date of Council hearing: December 3, 2002 (evening meeting)

d. Other Items

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:

- Fire Protection Dist. No. 2 (Fire Protection Districts & Emergency Medical Service)
- Tacoma School District No. 10

O'Malley 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 Ordinance, which was approved and signed on October 31, 2002, was read into the record:

ORDINANCE NO. 2002-79s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2001-104s, WHICH EXPANDS THE FRANCHISE BOUNDARY AREA OF THE CITY OF BONNEY LAKE'S SANITARY SEWER FRANCHISE, BY CORRECTING THE LEGAL DESCRIPTION.

2. A message from the Executive transmitting the following Ordinances, which were approved and signed on November 1, 2002, was read into the record:

ORDINANCE NO. 2002-80, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING COUNTY OWNED REAL PROPERTY, LOCATED AT 104TH STREET SOUTHWEST AND 87TH AVENUE SOUTHWEST, IN LAKEWOOD, TO BE SURPLUS AND AUTHORIZING ITS SALE, PURSUANT TO PIERCE COUNTY CODE 2.110.

ORDINANCE NO. 2002-82, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A SUPPLEMENTAL FRANCHISE NO. 1 TO SPANAWAY WATER COMPANY, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY.

ORDINANCE NO. 2002-83s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO THE CITY OF GIG HARBOR, A MUNICIPAL CORPORATION, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

ORDINANCE NO. 2002-91, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF UNIMPROVED 50TH AVENUE EAST LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE FREDERICKSON AREA.

ORDINANCE NO. 2002-92, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 8.92 OF THE PIERCE COUNTY CODE, "DISPOSITION OF THE REMAINS OF INDIGENT DECEDENTS", ALLOWING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH UNIFORM RATES FOR SERVICES.

ORDINANCE NO. 2002-99s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING THE SPENDING PLAN FOR THE PARKS AND RECREATION PORTION OF THE SECOND REAL ESTATE EXCISE TAX FUND.

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

**PROPOSAL NO. R2002-125, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF TWO EXISTING MEMBERS TO THE SOLID WASTE ADVISORY COMMITTEE. (CHARLIE MAXWELL AND JOYCE ALVAREZ)**

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 seven to zero.

**EXECUTIVE SESSION**

At 3:12 p.m., the Chair announced the Council would convene in Executive Session, adjourning at approximately 3:30 p.m. Long stated the Council would be convening in Executive Session pursuant to Revised Code of Washington 42.30.110(i). At 3:30 p.m., the Clerk announced that the Executive Session would be ending at 3:40 p.m. At 3:40 p.m., the Council reconvened in regular session.

VIII. ORDINANCES

PROPOSAL NO. 2002-102s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING YEAR 2002 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.

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 explanation of the amendment, stating it was technical in nature and would insert an effective date, and change figures in some of the tables.

The Chair called for public testimony; there was no response. The amendment passed on a voice vote.

Graham provided an overview of the Ordinance as substituted and amended, stating these amendments affect the County's Capital Budget decisions and are prepared concurrently with the County budget. The amendments are required by Chapter 19C.10.040 B. to follow the time line for adoption of the County's budget.

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

PROPOSAL NO. 2002-116s, 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)

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

Staff Testimony

Tom Ballard, County Engineer, provided an overview of the Annual Road Program, the Six-Year Road Program, and the Fourteen-Year Ferry Program. A copy of his handout is contained in the Ordinance file. Ballard responded to questions of Councilmembers, and provided each Councilmember with a map of their individual Districts indicating the projects contained therein. Copies of the District maps are contained in the Ordinance file.

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

**PROPOSAL NO. 2002-119s, 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.**

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

Staff Testimony

Pendle provided the Council with an overview of the Ordinance, stating it would increase the maximum fee obligations for regional park and school impact fees by the Annual Cost-of-Living Adjustment. This is consistent with the 2002 amendments to the Capital Facilities Plan. The Ordinance also sets an effective date.

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

**IX. RESOLUTIONS**

**PROPOSAL NO. R2002-124, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING PROPOSED AMENDMENTS TO TITLE 18A, DEVELOPMENT REGULATIONS - ZONING, OF THE PIERCE COUNTY CODE, TO ALLOW CONTRACTOR YARDS IN THE RURAL-10 ZONE DESIGNATION IN THE GIG HARBOR PENINSULA COMMUNITY PLAN AREA; REFERRING THE PROPOSED AMENDMENT TO THE PLANNING AND LAND SERVICES DEPARTMENT FOR ENVIRONMENTAL REVIEW, TO THE PLANNING COMMISSION, AND TO THE PENINSULA ADVISORY COMMISSION; AND SETTING A DATE FOR THE PLANNING COMMISSION'S REPORT AND RECOMMENDATION BACK TO THE COUNTY COUNCIL.**

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

Biskey stated she had sponsored this Resolution to start the process of considering amendments to the development regulations to allow contractor yards as a Conditional Use in the Rural-10 Zone Classification in the Gig Harbor Peninsula Community Plan area. She stated the Resolution asks the Planning and Land Services Department to conduct the necessary environmental review, and any additional analysis needed to develop appropriate amendments to the Code. The Planning Commission and the Peninsula Advisory Commission are also being asked to provide a recommendation.

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

**X. OTHER BUSINESS/ANNOUNCEMENTS**

1. County Executive John Ladenburg provided information to the Council that he plans to challenge the constitutionality of Initiative 776. Moss stated he favors the Executive pursuing the challenge. O'Malley moved that the Executive be authorized to join with other jurisdictions in challenging I-776 based on its constitutionality; motion seconded.

Biskey stated she would be abstaining from the vote, as she stated it would be prudent to continue the matter to the next week when the action could be properly noticed.

William Giddings spoke in support of the motion.

The motion passed on a voice vote.

Pierce County Council Meeting  
November 19, 2002

**XI. GENERAL PUBLIC COMMENTS - None**

**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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