

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 27, 2001**

LYON ELEMENTARY SCHOOL
101 EAST 46TH STREET
TACOMA, WASHINGTON
COUNCIL DISTRICT NO. 5

(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018
www.co.pierce.wa.us/council

(Note: These minutes are not verbatim. Recorded tapes are available upon request.)

I. CALL TO ORDER

The District No. 5 meeting of the Pierce County Council was called to order at 5:05 p.m. by Chair Brown, Host Councilmember for the District No. 5 evening meeting.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Brown.

III. ROLL CALL

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

Council Staff Present: Anna Graham, Research Analyst; Carolyn Pendle, Research Analyst; Gerri Rainwater, Administrator/Clerks & Operations; Rick Talbert, Councilmember Assistant; and Tom Weber, Administrator/Research & Policy.

There were approximately 27 visitors present.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

- a. Approval of Minutes
 1. The minutes of the September 25, 2001, regular Council meeting.
 2. The minutes of the October 9, 2001, regular Council meeting.
 3. The minutes of the October 16, 2001, regular Council meeting.
 4. The minutes of the October 23, 2001, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
 1. PROPOSAL 2001-104, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 85-149, TO EXPAND THE FRANCHISE BOUNDARY AREA OF THE CITY OF BONNEY LAKE'S SANITARY SEWER FRANCHISE.
Sponsored by: Councilmember Harold Moss
Contact person: Jerry West, 798-3687
For referral to the Planning and Public Works Committee
 2. PROPOSAL NO. 2001-107, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 2.63 OF THE PIERCE COUNTY CODE, NORTH CLOVER CREEK COLLINS ADVISORY COMMISSION; ADOPTING A NEW CHAPTER 2.63 OF THE PIERCE COUNTY CODE, NORTH CLOVER CREEK COLLINS ADVISORY COMMISSION, TO BE CONSISTENT WITH THE PROVISIONS OF CHAPTER 2.45 OF THE PIERCE COUNTY CODE; AND ADJUSTING THE JURISDICTIONAL BOUNDARIES.
Sponsored by: Councilmembers Calvin Goings and Kevin Wimsett
Contact person: Anna Graham, 798-6253
For referral to the Planning and Public Works Committee
 3. PROPOSAL NO. 2001-109, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF BIRCH STREET NORTHEAST RIGHT-OF-WAY, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 21 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN IN THE DASH POINT AREA.
Sponsored by: Councilmember Harold Moss
Contact person: Jennifer Andres, 798-2720
For referral to the Planning and Public Works Committee
To be heard by the Planning and Public Works Committee on December 5, 2001
Suggested date of Council hearing: Thursday, January 3, 2002, at 10:00 a.m.

Pierce County Council Meeting
November 27, 2001

- c. Action on Resolutions (refer, set date of hearing)
1. PROPOSAL NO. R2001-187, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITIES AND TOWNS OF PIERCE COUNTY, THEREBY AMENDING THE PIERCE COUNTY COUNTYWIDE PLANNING POLICIES, TO ADDRESS BUILDABLE LANDS POLICIES AS RECOMMENDED BY THE PIERCE COUNTY REGIONAL COUNCIL.
Sponsored by: Councilmember Karen S. Biskey
Contact person: C. E. "Chip" Vincent, 798-2722
For referral to the Planning and Public Works Committee
 2. PROPOSAL NO. R2001-188, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITIES AND TOWNS OF PIERCE COUNTY, AMENDING THE PIERCE COUNTY COUNTYWIDE PLANNING POLICIES TO ADDRESS THE ELIMINATION OF TIERING AS RECOMMENDED BY THE PIERCE COUNTY REGIONAL COUNCIL.
Sponsored by: Councilmember Karen S. Biskey
Contact person: C. E. "Chip" Vincent, 798-2722
For referral to the Planning and Public Works Committee
 3. PROPOSAL NO. R2001-189, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF BONNEY LAKE, FOR THE TRANSFER OF A PORTION OF THE COUNTY'S SANITARY SEWER SYSTEM TO THE CITY.
Sponsored by: Councilmember Harold Moss
Contact person: Brian Stacy, 798-4109
For referral to the Planning and Public Works Committee
 4. PROPOSAL NO. R2001-192, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING AND ENDORSING THE EXECUTION OF AN AMENDED AGREEMENT BETWEEN PIERCE COUNTY AND PIERCE COUNTY RECYCLING, COMPOSTING AND DISPOSAL, LLC D/B/A LRI ("LRI"), AS RECOMMENDED TO THE COUNCIL BY THE COUNTY EXECUTIVE; AND CONCURRING WITH THE REQUESTED FOUR PERCENT SOLID WASTE RATE INCREASE.
Sponsored by: Councilmember Wendell Brown
Contact person: Stephen Wamback, 798-4050
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 six 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 November 15, 2001, was read into the record:

ORDINANCE 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.

ORDINANCE 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.

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

Goings entered the meeting.

PROPOSAL NO. R2001-184, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF FOUR EXISTING MEMBERS AND THE APPOINTMENT OF ONE NEW MEMBER TO THE COMMUNITY SERVICES CITIZENS' ADVISORY BOARD (DARRELL BARSTOW, RALPH SCHOWALTER, KATHY McVAY, DANIEL LUNDSFORD, AND CAROLYN MARTIN); AND AMENDING RESOLUTION NO. R2000-170, THE APPOINTMENT OF JEAN BROOKS, RHONDA BROWN, DALE COLIN, STEVE KONO, HANS KUECK, BILL HAYASHI, AND TRACY VANDEWALL, BY CORRECTING THEIR TERM EXPIRATION DATES FROM JUNE 30, 2004, TO JUNE 30, 2003.

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. R2001-185, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE MEMBER TO THE SUMMIT-WALLER COMMUNITY ADVISORY COMMISSION. (LARRY VOLLAND)

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

Public Testimony

Larry Volland thanked the Council for his reappointment.

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

VIII. ORDINANCES

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.

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 and passed.

Staff Testimony

Graham stated this Ordinance would change the number of members on the Southwest Pierce County Advisory Commission, and alter the boundaries to make them consistent with other abutting jurisdictions.

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. 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.

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

Staff Testimony

Graham stated passage of this Proposal would bring the boundary descriptions consistent with the adjoining jurisdictional boundaries. The Ordinance also reformats the Code language to be consistent with the framework for

Land Use Advisory Commissions set forth in Chapter 2.45. The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. 2001-68, 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.

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

Staff Testimony

Deputy Gerald Lawrence, Sheriff's Marine Unit, stated the revisions and regulations set forth in this Ordinance were unanimously supported by the Pierce County Boating Advisory Commission. He stated the Ordinance adds civil infraction violations, establishes rules for vessels when there is not a 300-foot clearance to pass a diver's flag, and amends the 5-mile per hour speed limit to 200 feet from a dock. It also deletes testing areas and times for American Lake. He stated with the incorporation of the City of Lakewood, the County now contracts for patrol services on American Lake.

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

PROPOSAL NO. 2001-85, 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.

Moss moved that the Proposal be continued to December 11, 2001; motion seconded and passed.

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.

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

Staff Testimony

Pendle provided an overview of the Ordinance, stating it would provide for an annual adjustment to the school and park impact fee obligations, and described the information needed in School District Capital Facility Plans that are submitted to the County.

Public Testimony

Kirk Kirkland, Audubon Society, stated he does not feel the CPI will keep pace with the growth in Pierce County. He stated the school impact fees should remain consistent with the park impact fees.

Pierce County Council Meeting
November 27, 2001

Grace Yuan, Pierce County School Coalition, spoke in support of the Proposal, stating the fees have not been adjusted since 1966.

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

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.

Moss moved that the Proposal be continued to December 11, 2001; motion seconded and passed.

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.

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

Moss moved adoption of the Committee amendment as set forth in Attachment II to these minutes; motion seconded and passed.

Staff Testimony

Patrick Kenney, Director of Budget and Finance, provided an overview of Exhibit "A," which sets forth changes to the budget represented in the Ordinance.

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. 2001-98s, 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.

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

Staff Testimony

Kenney stated passage of this Proposal would provide supplemental increases for three departmental budgets as listed in the title of the Ordinance. He stated details of these increases are fully explained in Exhibit "A."

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. R2001-152, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO NEGOTIATE THE PURCHASE OF CONSERVATION FUTURES PROPERTIES.

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

Staff Testimony

Grant Griffin, Parks and Recreation Services Department, provided an overview of the Resolution, stating adoption would acknowledge receiving the Conservation Futures Citizens' Advisory Board's recommendations for the 2001 selections, and also authorizes the County Executive to purchase the properties as selected by the Council, and set forth in Exhibit "A." Griffin stated revenues for this fund will decrease over the years due to the impacts of the passage of Initiative 747.

Public Testimony

Scott Hansen spoke in support of Project No. 5 as set forth in Exhibit "A," the Puget Creek Beach.

Fred Tobiason spoke in support of the Resolution. He stated he has visited with people from other states who are interested in Washington and Pierce County's Conservation Futures program.

Carl Snodgrass stated a concern that properties that are purchased should remain open to public access.
Alan Zulauf spoke in support of the Proposal.

Ione Clagett spoke in support of the Proposal.

Ken Batkner spoke in support of the Proposal.

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

**PROPOSAL NO. R2001-191, A RESOLUTION OF THE PIERCE COUNTY COUNCIL
CREATING AN AD HOC TRANSPORTATION REAL ESTATE EXCISE TAX
ALLOCATION ADVISORY COMMITTEE (TRAAC); APPOINTING MEMBERS TO THE
TRAAC; AND ESTABLISHING AN ANNUAL REPORTING DATE FOR COMMITTEE
RECOMMENDATIONS TO THE COUNCIL.**

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

Moss moved an amendment in Section 4 at line 9 to delete "President" and insert the word "Vice President" and delete "association of" and insert the word "associated"; motion seconded and passed on a voice vote.

Moss moved adoption of Council Amendment No. 1; motion seconded.

Shabro stated she had sponsored the amendment to include a project in the Buckley-Plateau area on 214th Avenue East.

Biskey moved an amendment to the amendment, following 214th Avenue to insert "Wollechet Drive N.W."; motion seconded.

Brown stated the Public Works Department had studied to identify the projects that had been set forth in the Resolution. He pointed out that the Committee appointed through this Resolution would be making recommendations on each project, and, therefore, could not support the amendment.

O'Malley pointed out that there is no weighting of the projects set forth in the Resolution, and that the Transportation Real Estate Excise Tax Allocation Advisory Committee would have the final authority.

Moss pointed out that Councilmembers who voted against the issue being adopted now wish to add projects. He stated the Committee will study the project and determine the best allocation of funds.

The amendment failed on a voice vote.

Moss moved adoption of Council Amendment No. 2 to add Gem Heights and 182nd Street East and the intersection at 334th and Highway 410; motion seconded.

Pierce County Council Meeting
November 27, 2001

Shabro stated she sponsored the amendment to indicate support of the recommendation to the Allocation Advisory Committee.

The amendment failed on a voice vote.

Moss moved an amendment on page 2 of 3 at line 20 to delete the "June" and insert the word "April" and at line 23 delete "September" and insert the word "July"; motion seconded and passed.

Public Testimony

Mike Lafreniere, City of Fife, stated the Cities and Towns of Pierce County should be consulted on the choice of projects that will be funded through the second Real Estate Excise Tax, and there should be a representative from Cities and Towns on the Board. It was pointed out that the tax would be collected only in unincorporated Pierce County.

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

PROPOSAL NO. R2001-193, A RESOLUTION OF THE PIERCE C COUNTY COUNCIL APPROVING THE PETITION FOR THE FORMATION OF THE EAST GIG HARBOR WATER DISTRICT; ESTABLISHING BOUNDARIES; ADOPTING FINDINGS OF FACT; AND CALLING FOR AN ELECTION UPON THE PROPOSITION.

Moss moved that this Proposal be continued to January 3, 2002; motion seconded and passed on a voice vote.

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Moss 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:

- (a) Board of Trustees - Rural Library
- (b) City of Bonney Lake
- (c) City of DuPont
- (d) City of Edgewood
- (e) City of Fircrest
- (f) City of Gig Harbor
- (g) City of Orting
- (h) City of Puyallup
- (i) City of Tacoma
- (j) Pierce County Fire Protection District #1
- (k) Pierce County Fire Protection District #2
- (l) Pierce County Fire Protection District #3
- (m) Pierce County Fire Protection District #5
- (n) Pierce County Fire Protection District #6
- (o) Pierce County Fire Protection District #11
- (p) Pierce County Fire Protection District #21
- (q) Pierce County Fire Protection District #22
- (r) Pierce County Fire Protection District #25
- (s) Port of Tacoma

The motion was seconded and passed on a voice vote.

2. Moss moved to amend the Meeting Schedule of December 3-7, 2001, by adding the following Proposal to the Planning and Public Works Committee Agenda of December 5, 2001 at 10:00 a.m.:

PROPOSAL NO. 2001-109, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF BIRCH STREET NORTHEAST RIGHT-OF-WAY, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 21 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN IN THE DASH POINT AREA.

The motion was seconded and passed on a voice vote.

XI. GENERAL PUBLIC COMMENTS - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned

Pierce County Council Meeting
November 27, 2001

at 6:20 p.m.

Attest:

Gerri Rainwater, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved

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