

**MINUTES
PIERCE COUNTY COUNCIL MEETING
DECEMBER 11, 2001**

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

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

I. CALL TO ORDER

At 3:06 p.m. Chair Brown called the regular meeting of the Pierce County Council to order.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Brown led the pledge.

III. ROLL CALL

Councilmembers Present: Wendell Brown, Calvin Goings, Harold Moss, Jan Shabro, and Kevin Wimsett. Karen Biskey and Pat O'Malley were excused.

Council Staff Present: Sandy Bassett, Deputy Clerk, Shawn Bunney, Research Analyst; Anna Graham, Research Analyst; and Tom Weber, Administrator/Research & Policy.

There were approximately 30 visitors present.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

- a. Approval of Minutes
 1. The minutes of the November 13, 2001, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
 1. PROPOSAL NO. 2001-110, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING AN UNIMPROVED ALLEY WAY IN THE PLAT OF HYADA PARK, LOCATED IN THE NORTHEAST TACOMA AREA IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 21 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN.

Sponsored by: Councilmember Harold Moss
Contact person: Jennifer Andres, 798-2720
For referral to the Planning and Public Works
Committee

- c. Action on Resolutions (refer, set date of hearing)
1. PROPOSAL NO. R2001-198, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPROVING THE ANNEXATION OF REAL PROPERTY (COUNTRY ESTATES WATER SYSTEM) TO THE VALLEY WATER DISTRICT.

Sponsored by: Councilmember Wendell Brown
Contact person: Thomas Weber, 798-6067
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 five 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 21, 2001, was read into the record:

ORDINANCE NO. 2001-82, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ACCEPTING THE JUNE 2001 RECOMMENDATIONS OF THE AD HOC TASK FORCE ON CHILDREN, YOUTH, AND THEIR FAMILIES, AS REQUESTED IN RESOLUTION NO. R2001-30S; IMPLEMENTING ONE TASK FORCE RECOMMENDATION BY CREATING AN ALLOCATION ADVISORY COMMITTEE FOR PREVENTION PROGRAMS, TO RECOMMEND AND MONITOR THE DISTRIBUTION OF THE 25 PERCENT PREVENTION REVENUES OF THE ONE-QUARTER OF ONE PERCENT CRIMINAL JUSTICE SALES AND USE TAX, AS SPECIFIED IN PIERCE COUNTY CODE 4.28.130; SETTING PRIORITIES FOR FUNDING THESE PREVENTION PROGRAMS; ESTABLISHING THE REQUIREMENT THAT PIERCE COUNTY COMMUNITY SERVICES SHALL STAFF THE ADVISORY COMMITTEE; AND SETTING AN ANNUAL REPORTING DEADLINE FOR COMMITTEE RECOMMENDATIONS.

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

Pierce County Council Meeting Minutes
December 11, 2001

OF FACT. (ANNUAL ROAD PROGRAM, SIX-YEAR ROAD PROGRAM, AND THE FOURTEEN-YEAR FERRY PROGRAM) ORDINANCE NO.

2001-91, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING WAGE ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES; AND AMENDING THE PIERCE COUNTY SALARY AND CLASSIFICATION PLAN.

ORDINANCE NO. 2001-99s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 4.24 OF THE PIERCE COUNTY CODE; IMPOSING AN ADDITIONAL EXCISE TAX ON EACH SALE OF REAL PROPERTY IN UNINCORPORATED PIERCE COUNTY AT THE RATE OF ONE QUARTER OF ONE PERCENT OF THE SELLING PRICE, PURSUANT TO THE AUTHORITY AND FOR THE PURPOSES SET FORTH IN RCW 82.46.035; DIRECTING THE AD HOC TRANSPORTATION REAL ESTATE EXCISE TAX ALLOCATION ADVISORY COMMITTEE (TRAAC) TO SUBMIT ITS RECOMMENDATIONS TO THE COUNTY COUNCIL NO LATER THAN SEPTEMBER 1 OF EACH YEAR; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 2001-100, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH COUNCIL 2, WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO LOCAL 120 - CORRECTIONS AND DETENTION; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

2. A message from the Executive transmitting the following Ordinances, which were approved and signed on November 29, 2001, was read into the record:

ORDINANCE NO. 2001-87s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL SETTING THE 2002 AD VALOREM TAX LEVIES FOR PIERCE COUNTY FOR LEVY IN 2001, AND COLLECTION IN 2002.

ORDINANCE NO. 2001-88s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL STATING THE DOLLAR AMOUNT AND PERCENTAGE INCREASE IN AUTHORIZED PROPERTY TAX ABOVE LAST YEAR'S LEVY AMOUNT, USING 101 PERCENT, EXCLUSIVE OF NEW CONSTRUCTION AND STATE ASSESSED VALUATION; AND EXPRESSING ITS INTENTION TO PRESERVE FUTURE LEVY CAPACITY PURSUANT TO RCW 84.55.092 IN THE EVENT THAT THE LIMIT SET BY I-747 IS DETERMINED TO BE UNLAWFUL.

ORDINANCE NO. 2001-89, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 14.20 OF THE PIERCE COUNTY CODE "PARKS AND RECREATION SERVICES FEES" BY

AMENDING GOLF COURSE FEE SCHEDULES; AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. 2001-90, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 99-119s; AND ADOPTING A NEW FARE SCHEDULE FOR THE PIERCE COUNTY FERRY SYSTEM.

ORDINANCE 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.

3. Presentation of Kudos Award Winner by County Executive John Ladenburg.

Executive Ladenburg described the County's Kudo program and read the Kudo that won the drawing. He presented winner Sheila Pudists with a gift certificate for a "Winter Escape" package at the Mount Rainier National Park Inn.

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

PROPOSAL NO. R2001-196, A RESOLUTION OF THE PIERCE COUNTY COUNCIL COMMENDING AND CONGRATULATING DOCTOR STEVE RASMUSSEN FOR BEING SELECTED AS WASHINGTON STATE'S SUPERINTENDENT OF THE YEAR BY THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS.

Moss moved adoption of R2001-196; motion seconded. The Clerk read the Resolution into the record.

Wimsett said he knows Dr. Rasmussen as a well respected leader of the Franklin Pierce School District and of the community. Wimsett introduced Mark Baumgarten, President of the Franklin Pierce School Board, who introduced School Board members Cole Roberts, John Harstad, Reva Palmer, and Frank Hewins, the Assistant Superintendent, and Dr. and Mrs. Steve Rasmussen. Baumgarten thanked the Council for their support of public education.

Wimsett presented the Proclamation to Dr. Rasmussen. Dr. Rasmussen praised students and staff of the Franklin Pierce School District and thanked the Council for the recognition.

Council members Moss, Shabro, Goings, Brown offered words of praise and congratulations to Dr. Rasmussen.

Proposal No. R2001-196 passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-174, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING SCOTT TORGERSON AS AN EMPLOYEE SUGGESTION AWARD WINNER.

Moss moved adoption of R2001-174; motion seconded. The Clerk read the Proclamation into the record.

Executive Ladenburg presented the Proclamation. Scott Torgerson's wife accepted the award on his behalf.

Proposal No. R2001-174 passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-175, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING DAVID COOPER AS AN EMPLOYEE SUGGESTION AWARD WINNER.

Moss moved adoption of R2001-175; motion seconded. The Clerk read the Resolution into the record.

Executive Ladenburg presented the Proclamation, which was accepted by Will Kinne on behalf of David Cooper.

Proposal No. R2001-175 passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-176, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING BARRY CHUNN AND MATTHEW MILLIE AS EMPLOYEE SUGGESTION AWARD WINNERS.

Moss moved adoption of R2001-176; motion seconded. The Clerk read the Resolution into the record.

Executive Ladenburg presented the Proclamation. Will Kinne accepted the award on behalf of Barry Chunn and Matthew Millie.

Proposal No. R2001-176 passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-177, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING STEVE ROSE AS AN EMPLOYEE SUGGESTION AWARD WINNER.

Moss moved adoption of R2001-177; motion seconded. The Clerk read the Resolution into the record.

Executive Ladenburg presented the Proclamation, which was accepted with thanks by Steve Rose.

Proposal No. R2001-177 passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-178, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING RON VANPEVENAGE AND BRET FISHER AS EMPLOYEE SUGGESTION AWARD WINNERS.

Moss moved adoption of R2001-178; motion seconded. The Clerk read the Resolution into the record.

Executive Ladenburg presented the Proclamation, which was accepted by Ron Van Pevenage and Bret Fisher.

Proposal No. R2001-178 passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-195, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING AND THANKING GREG JACOBY FOR HIS DEDICATED SERVICE AS A SIX-YEAR MEMBER AND TWO-YEAR CHAIR OF THE TACOMA-PIERCE COUNTY SOLID WASTE ADVISORY COMMITTEE.

Moss moved adoption of R2001-195; motion seconded. The Clerk read the Resolution into the record.

Wimsett presented the Proclamation. Jacoby said he appreciated the opportunity to serve on the Committee and work on an important issue.

Brown and Moss expressed their appreciation for his work.

Proposal No. R2001-194 passed on a roll call vote of five to zero.

VIII. ORDINANCES

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.

Moss moved adoption of 2001-83; motion seconded. The Clerk read the title into the record.

Staff testimony:

Jennifer Andres, Planning and Public Works, explained that the petitioner plans to construct a new roadway within the Plat and when that is completed to County standards, it will be deeded to Pierce County. Andres noted that the Ordinance should not be recorded until the road has been developed and deeded to the County.

The Chair called for public testimony; there was none. Proposal No. 2001-83 passed on a roll call vote of five 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 adoption of 2001-85; motion seconded. The Clerk read the title into the record.

Staff testimony:

Jennifer Andres said portions of Waller Road were realigned in 1924 and this right-of-way currently lies beneath a driveway. The homeowners would like to acquire it for their personal use.

The Chair called for public testimony; there was none. Proposal No. 2001-85 passed on a roll call vote of five 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 adoption of 2001-94; motion seconded. The Clerk read the title into the record.

Staff testimony:

Jennifer Andres said there are other roads into the plat and this one has never been developed. It is not needed in the county road system.

The Chair called for public testimony; there was none. Proposal No. 2001-94 passed on a roll call vote of five to zero.

IX. RESOLUTIONS

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)

Moss moved adoption of R2001-183; motion seconded. The Clerk read the title into the record.

Stephen Causseaux, Jr., the Pierce County Hearing Examiner, explained the need for additional deputy hearing examiners. Causseaux responded to questions from Councilmembers.

Goings indicated he would like copies of the quarterly reports the Hearing Examiner submits to the Council.

The Chair called for public testimony; there was none. Proposal No. R2001-183 passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-197, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO EXECUTE AN INTERLOCAL AGREEMENT WITH ROAD SERVICE DISTRICT NUMBER ONE (PONDEROSA ESTATES), REGARDING THE TRANSFER OF ROADS FROM THE ROAD SERVICE DISTRICT TO THE COUNTY.

Moss moved adoption of R2001-197; motion seconded. The Clerk read the title into the record.

Shabro expressed her pleasure at seeing this last step in a process that has been going on for about seven years.

Staff Testimony:

Tom Weber said this Proposal adopts the road into the County system. He noted that Commissioner Mike Moran, Terry Brink, the Service District's legal Counsel, George Mack, Bond Counsel, and John Trent, Public Works and Utilities were present.

Public Testimony:

Mike Moran, Vice-Chair of the Service District, thanked the Council and said the new road has already improved the neighborhood.

Brown said people in the community worked with the Council, Executive, and the Public Works Department to make this happen.

The Chair called for public testimony; there was none. Proposal No. R2001-197 passed on a roll call vote of five to zero.

PROPOSAL NO. R2001-199, A RESOLUTION OF THE PIERCE COUNTY COUNCIL MODIFYING THE PIERCE COUNTY COUNCIL ORGANIZATION CHART.

Moss moved adoption of R2001-199; motion seconded. The Clerk read the title into the record.

Staff testimony:

Weber explained that the new organization chart contains some updated Councilmember assistant information and creates a Legal Department under Susan Long.

The Chair called for public testimony; there was none. Proposal No. R2001-199 passed on a roll call vote of five to zero.

XI. GENERAL PUBLIC COMMENTS

Dale Washam spoke regarding the second real estate excise tax (REET) recently passed in Ordinance No. 2001-99s.

Alton McDonald, a City of Tacoma resident, asked the Council to look into racial profiling and all forms of discrimination.

EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION PURSUANT TO:

RCW 42.30.110 (1) (i): To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

At 4:06 p.m. Chair Brown announced that the Council would convene in Executive Session for 20 minutes to discuss pending litigation as authorized above. At 4:25 p.m. the Chair closed the Executive Session and returned to the Council Meeting Agenda.

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) Pierce County Fire Protection District No. 3
(Regular Levy & EMS Levy)
- (b) Pierce County Fire Protection District No. 6
- (c) Pierce County Fire Protection District No. 13
- (d) Pierce County Fire Protection District No. 15
- (e) Pierce County Fire Protection District No. 20
- (f) Pierce County Fire Protection District No. 23
- (g) Pierce County Fire Protection District No. 26
- (h) Pierce County Fire Protection District No. 27
- (i) Port of Tacoma
- (j) Puget Sound Education Service District (Rollback Resolutions for Puyallup School District No. 3 and Carbonado School District No. 19)
- (k) Puyallup School District
- (l) Town of Carbonado

The motion was seconded and passed on a voice vote.

Pierce County Council Meeting Minutes
December 11, 2001

XII. ADJOURNMENT

There being no further business, the meeting was adjourned
at 4:27 p.m.

Attest:

_____/s/
Sandy Bassett, Deputy Clerk

Approved:

_____/s/
Wendell Brown, Council Chair

1/3/2002
Date Approved

f:\wpfiles\minutes\cnclDec11 2001.min.doc