

MINUTES
PIERCE COUNTY COUNCIL MEETING
DECEMBER 12, 2000

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TACOMA, WASHINGTON
(COUNCIL DISTRICT NO. 5)

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

I. CALL TO ORDER

Vice Chair Brown called the District 5 meeting of the Pierce County Council to order at 5:14 p.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Brown led the Pledge of Allegiance.

III. ROLL CALL

Councilmembers Present: Karen S. Biskey, Wendell Brown, Ken Madsen, Harold Moss, Pat O'Malley. Sarah Casada and Jan Shabro were excused.

Council Staff Present: Sandy Bassett, Deputy Clerk; Susan Long, Legal Counsel; Carolyn Pendle, Research Analyst; Gerri Rainwater, Administrator/Clerks & Operations; and Tom Weber, Administrator/Research & Policy.

There were approximately 35 visitors present.

IV. APPROVAL OF AGENDA

O'Malley moved approval of the amended Agenda; motion seconded and passed.

V. CONSENT AGENDA

- a. Approval of Minutes
 - 1. The minutes of the November 7, 2000, regular Council Meeting.
 - 2. The minutes of the December 1-2, 2000, Special Council Meeting.
- b. Action on Ordinances (refer, set date of hearing)
 - 1. PROPOSAL NO. 2000-56s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.05 OF THE PIERCE COUNTY CODE, PLANNING AND LAND SERVICES DEPARTMENT FEES; CORRECTING THE EFFECTIVE DATE; AND REPEALING THE COMPREHENSIVE PLAN AMENDMENT FILING FEE.

Sponsored by: Councilmember Karen S. Biskey
Contact person: Anna Graham, 798-6253
DO PASS AS SUBSTITUTED RECOMMENDATION - PLANNING
COMMITTEE
(Pat O'Malley, Chair; Karen S. Biskey, Vice
Chair/excused; Wendell Brown; Ken
Madsen; Harold Moss/excused)
Suggested date of Council hearing: January 9, 2001

2. PROPOSAL NO. 2000-110, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, AFL-CIO, LOCAL NO. 17 AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

Sponsored by: Councilmember Wendell Brown
Contact person: Joe Carrillo, 798-6690
For referral to the Rules Committee
To be heard by the Rules Committee on January 2, 2001
Suggested date of Council hearing: January 2, 2001

- c. Action on Resolutions (refer, set date of hearing)
 1. PROPOSAL NO. R2000-190, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE ETHICS COMMISSION (MICHELLE P. SHERLS).
Sponsored by: Councilmember Wendell Brown
Contact person: Lillian Allred, 798-7477
For referral to the Rules Committee
Suggested date of Council hearing: January 2, 2001
- d. Other Items

Biskey 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 22, 2000, was read into the record:

ORDINANCE NO. 2000-91, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL SETTING THE 2001 AD VALOREM TAX LEVIES FOR PIERCE COUNTY FOR LEVY IN 2000 AND COLLECTIONS IN 2001.

ORDINANCE NO. 2000-92, 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 105.5%, EXCLUSIVE OF NEW CONSTRUCTION AND STATE ASSESSED VALUATION.

2. A message from the Executive transmitting the following Ordinance, which was approved and signed on November 28, 2000, was read into the record:

ORDINANCE NO. 2000-93s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE ANNUL BUDGET OF PIERCE COUNTY FOR THE FISCAL YEAR 2001.

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

PROPOSAL NO. R2000-184, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF TWO EXISTING MEMBERS TO THE ASSIGNED COUNSEL ADVISORY BOARD. (SCOTT CANDOO AND ROGERS WILSON)

Madsen moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony; there was no response. Proposal No. R2000-184 passed on a roll call vote of five to zero.

PROPOSAL NO. R2000-186, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF TWO NEW MEMBERS TO THE MENTAL HEALTH ADVISORY BOARD. (CHRIS DARDIS AND HARVEY HOGLUND)

Biskey moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony; there was no response. Proposal No. R2000-186 passed on a roll call vote of five to zero.

PROPOSAL NO. R2000-189, AN EMERGENCY RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING RESOLUTION NO. R2000-2, AS AMENDED, BY APPOINTING COUNTY EXECUTIVE ELECT JOHN LADENBURG TO REPLACE COUNTY EXECUTIVE DOUG SUTHERLAND ON THE PIERCE TRANSIT BOARD AND THE SOUND TRANSIT BOARD EFFECTIVE JANUARY 1, 2001.

Biskey moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony; there was no response. Proposal No. R2000-189 passed on a roll call vote of five to zero.

VIII. ORDINANCES

PROPOSAL NO. 2000-109s2, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 99-113, AS AMENDED, AND MODIFYING THE 2000 BUDGET FOR THE TACOMA-PIERCE COUNTY HEALTH DEPARTMENT; AND DECLARING AN EMERGENCY.

Biskey moved adoption; motion seconded. The Clerk read the

title into the record.

Staff testimony:

Dick Harris, Deputy Director of the Tacoma/Pierce County Health Department, explained the budget process used by the Health Department and the urgency involved in getting this Proposal passed before the end of the year.

Proposal No. 2000-109s2 passed on a roll call vote of five to zero.

PROPOSAL NO. 2000-76, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.112.010 OF THE PIERCE COUNTY CODE, PIERCE COUNTY AIRPORT FEES, BY AMENDING THE FEE SCHEDULES FOR HANGARS, TIE DOWNS, STORAGE SPACES, AND BUILDING AND LAND RENTAL LEASE RATES; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony:

Bob Snyder, Public Works and Utilities, reported that it has been three years since these fees have been raised. He defined the proposed fees as moderate increases.

The Chair called for public testimony; there was none. The motion passed on a roll call vote of five to zero.

Pierce County Council Meeting
December 12, 2000

PROPOSAL NO. 2000-94, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.04.150 OF THE PIERCE COUNTY CODE, "COUNTY AUDITOR/ELECTION DEPARTMENT FEES" TO CLARIFY THE APPLICATION OF THE PROVISIONS.

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

Staff Testimony:

Susan Long, Council Counsel, explained that this Proposal clarifies that the fees apply to the Auditor's Office as a whole, not just the Election Department.

The Chair called for public testimony; there was none. The motion passed on a roll call vote of five to zero.

PROPOSAL NO. 2000-101, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ACKNOWLEDGING AND ENDORSING THE RECOMMENDATIONS OF THE PIERCE COUNTY CRIMINAL JUSTICE TASK FORCE; NOTING THE COUNCIL'S RESPONSE TO RECOMMENDATIONS; AND ALLOCATING THE \$1,000,000.00 CRIMINAL JUSTICE TASK FORCE RESERVE FUND, WHICH WAS APPROPRIATED IN THE PIERCE COUNTY YEAR 2000 BUDGET.

Biskey moved adoption; motion seconded. The Clerk read the title.

Staff Testimony:

Carolyn Pendle provided an overview of the Proposal.

Biskey moved the Rules Committee amendments adopted on November 14, 2000, as shown on **Attachment 1**, to these minutes; motion seconded. The Chair called for discussion and public testimony; there was none. The motion passed on a voice vote.

Biskey moved Council Amendment No. 1, as shown on **Attachment 2** to these minutes; motion seconded. Biskey read the amendments. The Chair called for discussion and public testimony; there was none. The motion passed on a voice vote.

The Chair called for public testimony on the amended Proposal; there was none. Proposal No. 2000-101, as amended, passed on a roll call vote of five to zero.

PROPOSAL NO. 2000-47s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE YEAR 2000 UPDATE TO THE TACOMA-PIERCE COUNTY SOLID WASTE MANAGEMENT PLAN PURSUANT TO REVISED CODE OF WASHINGTON (RCW)

CHAPTER 70.95 AND PIERCE COUNTY CODE CHAPTER 8.28, TO REPLACE THE 1992 TACOMA-PIERCE COUNTY SOLID WASTE MANAGEMENT PLAN; AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO REVISED INTERLOCAL AGREEMENTS WITH THE CITIES AND TOWNS OF PIERCE COUNTY PURSUANT TO RCW CHAPTER 39.34, COMMITTING THE MUNICIPALITIES TO THE COUNTY'S DISPOSAL SYSTEM; AMENDING PIERCE COUNTY CODE CHAPTER 8.28, "SOLID WASTE MANAGEMENT," AND CHAPTER 19D.90, "TACOMA-PIERCE COUNTY SOLID WASTE MANAGEMENT PLAN," TO REFLECT CHANGES TO THE PLAN; AND ADOPTING FINDINGS OF FACT.

Biskey moved adoption; motion seconded. The Clerk read the title.

Moss moved Council Amendment No. 1, **Attachment 3** to these minutes; motion seconded. Pendle described the proposed amendments. The Chair called for public testimony; there was none. Council Amendment No. 1 passed on a voice vote.

Moss moved Council Amendment No. 2, **Attachment 4** to these minutes; motion seconded. Pendle described the proposed amendments. The Chair called for public testimony; there was none. Council Amendment No. 2 passed on a voice vote.

Moss moved Council Amendment No. 3, **Attachment 5** to these minutes; motion seconded. Pendle described the proposed amendments. The Chair called for public testimony; there was none. Council Amendment No. 3 passed on a voice vote.

Moss moved Council Amendment No. 4, **Attachment 6** to these minutes; motion seconded. Pendle described the proposed amendments. The Chair called for public testimony; there was none. Council Amendment No. 4 passed on a voice vote.

Moss moved Council Amendment No. 5, **Attachment 7** to these minutes; motion seconded. Pendle recapped what happened at last week's Council hearing on this Proposal. She referenced a letter from Steve Wamback that contained proposed amendments and she explained the amendments being proposed in Amendment No. 5.

Moss praised the input and cooperation that has existed on this Proposal. He noted that, while the courts have said we cannot control flow to the landfill, he felt we are doing everything we can to protect ourselves.

Public Testimony:

Warren Olsen voiced his objection to the Solid Waste Division having the primary responsibility for the evaluation (see language in the last paragraph of recommendation #8-3 on page

2).

Donald Olsen said the fight is not over. He said they will close the dump.

Joyce Moss questioned the City of Tacoma separating itself from unincorporated Pierce County. Councilmember Moss explained that the City of Tacoma operates their own refuse system and have their own recommendations and Plan.

Ron Smith said he is concerned with the groundwater near the 304th Street dump and has contacted various television shows about doing a story on the issue.

Barb Rice, of Concerned Residents on Waste Disposal (CROWD), said South Muck Creek runs through the dump and the water will be poisoned. She said she had paperwork from LRI saying that the 304th Street dump was to be used for county garbage only. Rice read from her paperwork (see the text of two newspaper articles in the meeting file).

Dan Syrdal, Land Recovery Incorporated (LRI) attorney, expressed his concerns with portions of Recommendation numbers 8.1, 8.3, 8.5, 8.6, and 8.8.

Vicki Steiner, SWAC member, thanked Councilmembers and staff for their work. She said the amendment isn't exactly as they would have it, but represents a compromise. Steiner said she hopes the perception in the community that the Solid Waste Division works for LRI more than the citizens will be put to rest in the future.

Arlene Hovland said Syrdal had threatened them that rates would go up if there were long haul, but rates were not reduced when long haul ended.

David Dicks said he's not clear what is meant by "For waste under Pierce County authority" (see Recommendation #8.1.).

Moss moved to amend Council Amendment No. 5 (**Attachment 7**) as follows:

7. On page 8-31, add a new Recommendation #8-8 to read as follows and renumber the remaining recommendations in Chapter 8:

"Public Process

#8-8 Before ~~accepting~~ approving the acceptance of municipal solid waste from outside the Pierce County solid waste management systems or before approving a substantial change in the design or operation of a municipal solid waste landfill within unincorporated Pierce County, the TPCHD shall

give the public notice of the issue and provide the public an opportunity to be heard."

Also . . . On page 11-5, add an eighth bullet under "Landfilling:"

"Before ~~accepting~~ approving the acceptance of MSW from outside the Pierce County solid waste management systems or before approving a substantial change in the design or operation of a municipal solid waste landfill within unincorporated Pierce County, the TCPHD shall give the public notice of the issue and provide the public an opportunity to be heard."

The motion to the amendment was seconded and passed on a voice vote.

Following discussion, O'Malley moved to amend Recommendation #8.1 to Amendment No. 5 (**Attachment 7**) as follows.

1. On page 8-30, amend Recommendation #8-1 to read as follows:

"#8-1 ~~For waste under Pierce County authority, if~~ If there is a lack of landfill capacity in Pierce County for solid waste generated in ~~the~~ Pierce County Solid Waste Management system in the future or if the County determines by resolution that out-of-county disposal options are cost effective, then the County ~~government~~ may contract for the use of an out-of-county landfill ~~sited out of county.~~"

The motion was seconded.

Public Testimony:

Gary Cotto, City of Tacoma Solid Waste Division, said the Solid Waste Division would not be affected by that amendment and he felt it would be fine.

Pendle read the proposed language into the record. The Chair called for public testimony on the amendment to the amendment; there was none. The motion to further amend Amendment No. 5 (Attachment 7) passed on a voice vote.

O'Malley recommended striking the bullet "Competition for disposal services" under Recommendation #8.3 on page 1 of Amendment No. 5 (Attachment 7). The motion was seconded.

Pendle explained the amendment. Following discussion, O'Malley and the second agreed to change their amendment to leave the bullet item "Competition for disposal services" but add (not applicable in the permitting process) at the end of it.

Madsen wondered if the County would be excluded from asking about competition in the permitting process. Pendle said the County can impose standards that are higher than what state law provides.

Greg Costello, Special Deputy Prosecuting Attorney for Solid Waste Division, said the SEPA review process does allow during an Environmental Impact Statement review of reasonable alternatives. Economics is a factor that comes into play.

Cliff Allo, attorney for the Tacoma-Pierce County Board of Health, said the regulation of the landfill rests with the Board of Health and the Legislature.

O'Malley, with the agreement of the second, withdrew his motion to amend Amendment No. 5.

Biskey questioned item 5 regarding Recommendation #8.6. She wondered if the wording would make the fact that we accept waste from the City of Tacoma a problem. Pendle explained the importance of the plural word "systems" in the recommendation.

Council Amendment No. 5, as amended, passed on a voice vote.

Moss moved Council Amendment No. 6, **Attachment 8** to these minutes; motion seconded. Pendle explained the amendment. The Chair called for public testimony; there was none. Amendment No. 6 passed on a voice vote.

The Chair called for testimony on Proposal No. 2000-47s, as amended.

Steve Wamback, Solid Waste Administrator, thanked everyone for their involvement. He said the process has been going on for four years and the document is the result of approximately 120 public meetings held throughout Pierce County.

Moss said folks have every right to expect LRI to be the safekeeper of this aquifer and to keep their word. He thanked the Council and asked them to pass the Proposal.

Brown thanked the citizens for their hard work.

Proposal No. 2000-47s, as amended, passed on a roll call vote of five to zero.

IX. RESOLUTIONS

PROPOSAL NO. R2000-86s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REFERRING THE "PARK, RECREATION, & OPEN SPACE PLAN", WHICH IS DATED AUGUST 2000, TO THE DEPARTMENT OF PARKS, RECREATION AND COMMUNITY SERVICES FOR REVISION AND RESUBMITTAL BACK TO THE COUNTY COUNCIL; REQUESTING UPDATES TO ADDRESS PRIORITIES FOR SPENDING THE NEW SALES TAX REVENUE, NEIGHBORHOOD AND COMMUNITY PARK NEEDS, AND OTHER POLICY ISSUES; AND REQUESTING RESUBMITTAL NOT LATER THAN FEBRUARY 1, 2001.

Biskey moved Proposal No. R2000-86s; motion seconded. The Clerk read the title into the record.

Weber explained that this Proposal would send the Plan back to the Department for review and resubmission.

The Chair called for public testimony; there was none. The motion passed on a roll call vote of five to zero.

PROPOSAL NO. R2000-173, A RESOLUTION OF THE PIERCE COUNTY COUNCIL UPDATING THE GROWTH MANAGEMENT ACT POPULATION ALLOCATIONS TO THE CITIES, TOWNS, AND UNINCORPORATED AREAS OF PIERCE COUNTY FOR THE YEAR 2017.

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

Staff Testimony:

Weber said this Proposal received a do pass recommendation from committee. (O'Malley was excused at 7:17 p.m.)

Chip Vincent, Planning and Land Services, said Edgewood, Gig Harbor, Lakewood, and Auburn have all requested new population allocations. Vincent distributed a document titled "Pierce County Housing Growth Distribution of New Housing Units 1996-1999" (see copy in the Clerk's meeting file).

Madsen said he questions the assumptions of the Growth Management Act as it appears the unincorporated areas are receiving most of the growth.

Brown noted that the cities and towns are not meeting their population goals and wondered if the planning process is working.

Vincent said the Comprehensive Plan needs to be revisited.

Public Testimony:

Roger Blaylock, City of Edgewood, thanked the Council for not pushing the City too hard as it works to create a community.

Proposal No. R2000-173 passed on a roll call vote of four to zero.

PROPOSAL NO. R2000-183, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONTINUING AND EXPANDING THE PIERCE COUNTY CRIMINAL JUSTICE TASK FORCE, TO REVIEW THE CRIMINAL JUSTICE SYSTEM IN PIERCE COUNTY; DIRECTING THE TASK FORCE TO MONITOR PROGRAM IMPLEMENTATION AND TO REPORT AND MAKE RECOMMENDATIONS TO THE COUNTY COUNCIL AND EXECUTIVE IN SEPTEMBER OF EACH YEAR; APPOINTING MEMBERS; AND ESTABLISHING A NEW SUNSET DATE OF THE TASK FORCE OF NOVEMBER 30, 2002.

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

Brown moved to amend the Proposal by inserting Pat O'Malley's name in the blanks at lines 2 and 7 of Page 3. The amendment was seconded and passed on a voice vote.

Proposal No. R2000-183, as amended, passed on a roll call vote of four to zero.

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Biskey 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 District #26 (Fire Protection Districts & Emergency Medical Service)
 - b. Pierce County Fire District #13 (Fire Protection Districts & Emergency Medical Service)
 - c. Pierce County Fire District #3 (Regular Levy & EMS Levy)
 - d. City of Fircrest (Cities/Towns & Emergency Medical Service)
 - e. Town of Eatonville (Cities/Towns & Emergency Medical Service)
 - f. City of Lakewood (Cities and Towns)

The motion was seconded and passed on a voice vote.

2. Gerri Rainwater, Clerk of the Council, reported that the Council received a veto message from the Executive, dated December 12, 2000, on the following Ordinance:

ORDINANCE NO. 2000-104, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 14.20.020, "SPRINKER RECREATION CENTER" AND 14.20.040, "FACILITY USE FEES" OF THE PIERCE COUNTY CODE TO REMOVE PARKING FEES AT SPRINKER, FRONTIER, LAKE TAPPS, AND SPANAWAY COUNTY PARKS.

Rainwater explained the timelines for overriding a veto and suggested the Council acknowledge the veto message by adding it to the Council Agenda of January 2, 2001.

Brown requested that the Ordinance be reconstituted and included on the Consent Agenda portion of the Council Agenda for January 9, 2001. He said he would sponsor the Proposal and suggested other Councilmembers who might like to co-sponsor it.

Biskey moved the Executive's veto message be added to the Council Agenda of January 2, 2001. The motion was seconded and passed on a voice vote.

XI. GENERAL PUBLIC COMMENTS - None

Pierce County Council Meeting
December 12, 2000

XII. ADJOURNMENT

There being no further business, the meeting was adjourned
at 7:39 p.m.

Attest:

Clerk of the Council

Approved:

Council Chair

Date Approved

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