

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MARCH 9, 2004**

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 3:05 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss, followed by a Moment of Silence in tribute to our men and women in the Military.

III. ROLL CALL

Councilmembers Present: Shawn Bunney, Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, Dick Muri, and Kevin Wimsett.

Council Staff Present: Steve Gross, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Carolyn Pendle, Research Analyst; and Tom Weber, Administrator for Research and Policy.

There were approximately 20 visitors present.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

a. Approval of Minutes

- b. Action on Ordinances (refer, set date of hearing)
1. PROPOSAL NO. 2004-5, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE 2001-99S AND SECTION 4.24.015 D. OF THE PIERCE COUNTY CODE REGARDING EXPENDITURES OF THE SECOND REAL ESTATE EXCISE TAX FOR CAPITAL PARK AND RECREATION PROJECTS.
Sponsored by: Councilmember Calvin Goings
Contact person: Anna Graham, 798-6253
DO PASS RECOMMENDATION - COMMUNITY DEVELOPMENT COMMITTEE (Calvin Goings, Chair; Terry Lee, Vice Chair; Harold Moss, Member; Dick Muri, Member; Kevin Wimsett, Member/excused)
Suggested date of Council hearing: April 6, 2004
 2. PROPOSAL NO. 2004-6s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTERS 2.58, 2.59, 2.77 AND 2.94 OF THE PIERCE COUNTY CODE AND ADOPTING NEW CHAPTERS 2.58, 2.59, 2.77, AND 2.94 OF THE PIERCE COUNTY CODE TO RE-ESTABLISH THE GIG HARBOR PENINSULA, GRAHAM, FOOTHILLS PLATEAU, AND GREATER GREENWATER GATEWAY LAND USE ADVISORY COMMISSIONS CONSISTENT WITH THE PROVISIONS OF CHAPTER 2.45 OF THE PIERCE COUNTY CODE.
Sponsored by: Councilmember Calvin Goings
Contact person: Anna Graham, 798-6253
DO PASS AS SUBSTITUTED RECOMMENDATION - COMMUNITY DEVELOPMENT COMMITTEE (Calvin Goings, Chair; Terry Lee, Vice Chair; Harold Moss, Member; Dick Muri, Member; Kevin Wimsett, Member/excused)
Suggested date of Council hearing: April 6, 2004
 3. PROPOSAL NO. 2004-15, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF APPLICATIONS FOR TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST1-03, BRUCE AND KORRICE PEDERSON - TULE LAKE/McKENNA AREA; APPLICATION NO. OST3-03, WILLIAM AND CATHERINE HAINER - TULE LAKE/McKENNA AREA; APPLICATION NO. OST5-03, MICHAEL AND KRISTIN YAMADA - TULE LAKE/McKENNA AREA; APPLICATION NO. OST7-03, PHILLIP AND ANGELA APONTE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST8-03 - DON AND HWA KIM - SILVER LAKE AREA; APPLICATION NO. OST9-03, DAE KYUNG AND MAL SOON RHEE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST10-03, DANIEL AND CONNIE BUCHIGNANI - TULE LAKE/McKENNA AREA; APPLICATION NO. OST11-03, MATTHEW BRONOSKE - TULE

LAKE/McKENNA AREA; APPLICATION NO. OST12-03, PAUL AND JEANINE JORDAN - SILVER LAKE AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Chad Williams, 798-3683, and Steve Gross, 798-7579

For referral to the Community Development Committee
To be heard by the Community Development Committee
on March 22, 2004

- c. Action on Resolutions (refer, set date of hearing)
- d. Other Items

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

- 1. Update - Lakewood Projects/Contracts - Lyle Quasim, Chief of Staff; Brian Ziegler, Director of Public Works & Utilities; Paul Pastor, Sheriff; and Jan Wolcott, Director of Parks and Recreation Services, provided update information. Copies of the handouts presented are contained in the Clerk's meeting file.
- 2. A message from the Executive transmitting the following Ordinances, which were approved and signed on February 19, 2004, was read into the record:

ORDINANCE NO. 2003-143, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW), LOCAL 483; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

ORDINANCE NO. 2003-144, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS UNION, LOCAL 313; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

ORDINANCE NO. 2004-2, 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 3752 - CORRECTIONS, NON-UNIFORMED GROUP; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

PROPOSAL NO. R2004-41, A PROCLAMATION OF THE PIERCE COUNTY EXECUTIVE AND COUNCIL DECLARING THE WEEK OF MARCH 7-13, 2004, AS "VOLUNTEER RECOGNITION WEEK" IN PIERCE COUNTY, WASHINGTON; AND CONGRATULATING RHONDA BROWN, SHARON CAMPBELL, AND MAC FINGEROOT AS THE 2003 VOLUNTEERS OF THE YEAR; AND THE COURTHOUSE TOUR VOLUNTEERS AS THE VOLUNTEER GROUP OF THE YEAR.

Wimsett moved adoption; motion seconded. The Clerk read the Proclamation into the record.

Moss thanked and acknowledged the volunteers by reading a brief statement on each volunteer. Lin Spellman, Volunteer Services Coordinator, Juvenile Court Services, presented a copy of the Proclamation to each honoree. The volunteer group of the year consisted of: Rhonda Brown, Sharon Campbell, and Mac Fingeroot.

Moss announced the Volunteer Banquet will be held on Saturday, March 13, 2004.

Gelman stated she was a courthouse volunteer. She thanked the volunteers and commended the Fingeroots on their 57th wedding anniversary.

Staff Testimony

Spellman stated that the winners to be honored on Saturday have contributed 185,000 hours in Pierce County government during their volunteer careers. Out of the 3,000 volunteers in Pierce County government, 100 will be honored on Saturday.

Councilmembers Moss and Lee will be presenters at the Saturday event.

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

PROPOSAL NO. R2004-35, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF NINE MEMBERS TO THE STORM DRAINAGE AND SURFACE WATER MANAGEMENT ADVISORY BOARD. (PAUL BUCICH, ROBERT CERQUI, ALLEN ZULAUF, STACY DANIEL, DEBORAH JOHNSTON, DONALD BRINK, KRIS KAUFFMAN, SEAN COMFORT, AND WILLIAM HIGDAY)

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

Staff Testimony

Gross provided background information on the Proposal, and explained the review process. The Economic & Infrastructure Development Committee passed the Proposal with a do pass recommendation on March 2, 2004.

Wimsett stated he will be voting against the Proposal, as he believes all Committee members should be from unincorporated Pierce County.

Lee spoke in support of Higday's appointment, and thanked him for his willingness to serve.

Bunney spoke in support of the Proposal, and thanked the appointees. He spoke to the importance of having individuals from incorporated as well as unincorporated Pierce County on the Committee.

Muri thanked the District No. 6 representative, Kris Kauffman, and stated he will look forward to her advice.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of six to one (Wimsett voted no).

PROPOSAL NO. R2004-40, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY PLANNING COMMISSION. (GERALD GUSTAFSON)

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

Bunney stated Gustafson is his constituent, and he supports Ladenburg's recommendation to appoint. Bunney urged the Council to adopt the Proposal.

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

VIII. ORDINANCES

PROPOSAL NO. 2003-121s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADDING A NEW CHAPTER 7.14 ENTITLED "NEW TECHNOLOGIES" TO THE PIERCE COUNTY STORMWATER MANAGEMENT AND SITE DEVELOPMENT MANUAL; REPEALING

APPENDIX J ENTITLED "MAINTENANCE INCLUDING EXAMPLE MAINTENANCE SCHEDULES" IN THE STORMWATER MANAGEMENT AND SITE DEVELOPMENT MANUAL; AND ADOPTING A NEW APPENDIX J REFLECTING MAINTENANCE ADDITIONS BASED ON NEW CHAPTER 7.14.

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

Staff Testimony

Gross explained the intent of the Proposal and provided background information on the Proposal. After the Proposal was passed out of Committee on January 24, 2004, Water Programs identified language to be added in order to make it consistent with the State Manual.

Wimsett moved Council Amendment No. 1; motion seconded. A copy of the amendment is included with these minutes as Attachment I.

Gross explained that the amendment inserts new and clarifying language.

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

Staff Testimony

In response to Bunney's question, Heather Kibbey, Water Quality Specialist, Water Programs, stated the technologies have to be approved at the State level.

Bunney thanked the staff for their hard work on the Proposal.

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

PROPOSAL NO. 2003-135, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 9.32.020 OF THE PIERCE COUNTY CODE, BY CHANGING THE LIST OF DEVICES THAT MAY NOT BE POSSESSED, MANUFACTURED OR DISPOSED OF WITHIN THE COUNTY.

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

Staff Testimony

Gross provided information on the Proposal, stating the amendment removes the prohibition on possession of firearms from the list. The Rules and Operations Committee passed the Proposal with a do pass recommendation on January 26, 2004.

Bunney stated it is important to be mindful and respectful of constitutional rights, and he thanked the constituents that brought the issue to the Council's attention.

Muri thanked the constituents for the change.

Lee noted that the Council is also working on language for no-shooting ordinances.

Public Testimony

Allen Hodges read the State law on the issue into the record.

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

PROPOSAL NO. 2003-136, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING CERTAIN COUNTY-OWNED PROPERTY AS SURPLUS, LOCATED AT 868 173RD STREET SOUTH IN SPANAWAY, WASHINGTON; AND AUTHORIZING THE COUNTY EXECUTIVE TO PURSUE DISPOSAL OF THE PROPERTY BY SALE PURSUANT TO PIERCE COUNTY CODE CHAPTER 2.110.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Rules & Operations Committee on January 26, 2004.

Suzanne Hedlund, Facilities Management, provided background information on the Proposal.

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

PROPOSAL NO. 2003-137, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO MARION WATER COMPANY FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on January 20, 2004.

Bruce Duncan, Public Works & Utilities Department, stated the franchise will replace an expiring franchise for a period of 15 years.

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

PROPOSAL NO. 2003-138s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING SUPPLEMENTAL FRANCHISE NO. 2 TO VALLEY WATER DISTRICT, TO EXPAND THE AREA FOR LOCATION OF WATER LINES ON CERTAIN RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on January 20, 2004.

Duncan provided background information on Valley Water District. The Proposal allows expansion of its franchise service area. The franchise term will be 25 years from the original franchise.

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

PROPOSAL NO. 2003-139, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 170TH STREET EAST (COPPER STREET) LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE SPANAWAY AREA.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on January 20, 2004.

Duncan stated the right-of-way has not been developed as a public road. In past decades, the Council has vacated numerous abutting portions of this right-of-way, and this right-of-way is the last piece of road to be vacated.

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

PROPOSAL NO. 2003-140, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF HIDDLESON-ROESCHEISEN COUNTY ROAD LOCATED IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE EATONVILLE AREA.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on January 20, 2004.

Duncan provided information on the vacation, stating the State of Washington has requested that at least a 10-foot strip be preserved for future State Route 161 use. The State supports the vacation of the remaining portion of road.

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

PROPOSAL NO. 2003-141, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 212TH STREET EAST LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE GRAHAM AREA.

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

Staff Testimony

Weber stated the Proposal received a do not pass recommendation by the Economic and Infrastructure Development Committee on January 20, 2004. He stated the Department recommended that the right-of-way be preserved and the vacation not be granted. He noted there was an opportunity to testify at the Committee level, but no one testified due to an apparent misunderstanding of the hearing date.

Duncan stated that after the staff review; the County Engineer determined that he would not support the vacation request. He stated the Water Programs Division is currently planning a regional storm water facility just south of 212th Street, and the right-of-way may be necessary for access.

In response to Bunney's question, Duncan named the various County departments and other entities that review vacation requests.

Public Testimony

Elisabeth Stevens spoke in support of the vacation.

Melina Bestow spoke in support of the vacation.

Tyra Hensen, Petitioner, spoke in support of the vacation.

Duncan commented on the concerns expressed during public testimony.

Goings encouraged Duncan to work with the neighbors on the Canyon Road connection issue.

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

PROPOSAL NO. 2004-4, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH GENERAL PUBLIC AND PRIVATE SECTOR EMPLOYEES AND SPECIAL SERVICES EMPLOYEES IN KING AND PIERCE COUNTIES AND EMPLOYEES OF THE STATE OF WASHINGTON, TEAMSTERS LOCAL UNION NO. 117 ON BEHALF OF SHERIFF'S CIVILIAN SUPPORT STAFF; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Rules and Operations Committee on February 23, 2004.

Joe Carrillo, Labor Relations Manager, responded to Bunney's question regarding Y-rated class employees receiving yearly COLAs.

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

PROPOSAL NO. 2004-9, 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.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Rules and Operations Committee on February 23, 2004. The Bargaining Agreement involves 187 full-time employees.

Carrillo stated he had nothing to add to Weber's comments.

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

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS

1. Charles Creso spoke in opposition to the General Comments portion of Council meetings not being televised, and cited Revised Code of Washington (RCW) 36.32 and 42.30. He requested to meet with Goings after the Council meeting.
2. Tom Seigel, Superintendent of Bethel School District, invited the Council to upcoming school events. He commented on the demographic study the District provided earlier to Council, noting Bethel is growing and needs help in services. A copy of his handouts is contained in the Clerk's meeting file.
3. Bruce Minker, Sheriff's Department, expressed concerns with the water leak problems and understaffing of employees at the new jail.

At the Chair's request, Long responded to Creso's comments. She stated the decision to end the meeting's televised portion is entirely within the bounds of the law. General Public Comments are part of the Council's official record, which is the tape recording. Since Council meetings are open to the public, anyone may address the Council. It is

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optional to televise the meetings and take general comments. The Council is only required to receive public comments before the passage of an Ordinance.

Lee commented that televising Council meetings is a courtesy to the citizens, and meetings should be respected.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:55 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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