

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JANUARY 25, 2005**

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 3:03 p.m. by Chair Bunney.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

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

III. ROLL CALL

Councilmembers Present: Shawn Bunney, Roger Bush, Timothy M. Farrell, Barbara Gelman; Calvin Goings; Dick Muri, and Terry Lee.

Council Staff Present: Thomas Ebat, District #1 Intern; Denise Johnson, Clerk of the Council; Steve Gross, Deputy Legal Counsel; Susan Long, Legal Counsel; Carolyn Pendle, Research Analyst; Leslie Swalley, Councilmember Assistant; Alisha Thompson, District #4 Intern; Victoria Woodards, Councilmember Assistant; and Tom Weber, Administrator/Research & Policy.

There were ten visitors present.

IV. APPROVAL OF AGENDA

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

The motion passed on a voice vote.

V. CONSENT AGENDA

(No final action on any Ordinance or Resolution will be taken under this Section)

Lee moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of seven to zero.

a. Approval of Minutes

b. Action on Ordinances (refer, set date of hearing)

1. PROPOSAL NO. 2004-132, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 2.50.020; 2.50.030; 2.50.040 OF THE PIERCE COUNTY CODE (PCC); AND ADOPTING A NEW SECTION 2.50.060, "CLERK OF THE BOARD - ASSISTANTS," TO PROVIDE STRUCTURE TO THE BOARD IT CONSTITUTES.

Sponsored by: Councilmembers Shawn Bunney and Harold Moss

Contact person: Diane Braaten, 798-7477

For referral to the Rules & Operations Committee

2. PROPOSAL NO. 2005-1, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO 360networks(USA)inc., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

Sponsored by: Councilmember Terry Lee

Contact person: Hudson Stansbury, 798-7477

For referral to the Economic and Infrastructure Development Committee

3. PROPOSAL NO. 2005-2, 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. OST28-04, CASSANDRA L. KNIGHT - ARTONDALE AREA; APPLICATION NO. OST29-04, MATTHEW WAYNE TISLER - ORTING AREA; APPLICATION NO. OST30-04, GREG S. MOODY - HIGHLAND MEADOWS AREA; APPLICATION NO. OST31-04, JONATHAN GRUBER - FOREST GROVE AREA; APPLICATION NO. OST32-04, DAVID FROEMBLING - HORN CREEK AREA; APPLICATION NO. OST33-04, TIMOTHY MODINE AND CHERYL FREDERICK - FOREST GROVE AREA; APPLICATION NO. OST34-04, BRUCE AND DARMAE MELODY STALK - WILLOW LAKE AREA; APPLICATION NO. OST35-04, DUANE T. AND MELISA G.

SHUSTER - HIGHLAND MEADOWS AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Chad Williams, 798-3683

For referral to the Community Development Committee

Suggested date of Council hearing: March 1, 2005

4. PROPOSAL NO. 2005-3, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF AN APPLICATION FOR OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS19-04, KEITH AND JUDY PICKETT - GIG HARBOR AREA)

Sponsored by: Councilmember Terry Lee

Contact person: Chad Williams, 798-3683

For referral to the Community Development Committee

Suggested date of Council hearing: March 8, 2005

5. PROPOSAL NO. 2005-4, 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. OST20-04, DENNIS H. AND DIANE M. DEAN - MCKENNA NORTH AREA; APPLICATION NO. OST21-04, GORDON AND JOAN SHEPRO - TULE LAKE AREA; APPLICATION NO. OST22-04, STEVE C. STRINGFELLOW - HIGHLAND MEADOWS AREA; APPLICATION NO. OST23-04, MARK A. RUTTER - TULE LAKE AREA; APPLICATION NO. OST24-04, MICHAEL R. AND SHERRY L. PLUMMER - JACKSON FOREST AREA; APPLICATION NO. OST25-04, RICHARD AND ELVA MOATS - WILLOW LAKE AREA; APPLICATION NO. OST26-04, WILLIAM NEELY AND BETTY JEAN TIBI-NEELY - HIGHLAND MEADOWS AREA; APPLICATION NO. OST27-04, JAMES P. TUCKER AND ELIZABETH C. COSIO - TULE LAKE AREA)

Sponsored by: Councilmember Terry Lee

Contact person: Chad Williams, 798-3683

For referral to the Community Development Committee

Suggested date of Council hearing: March 8, 2005

6. PROPOSAL NO. 2005-5, 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. OST11-04, BRIAN J. AND CHONG A. RICARD - HIGHLAND MEADOWS AREA; APPLICATION NO. OST12-04, TIMOTHY AND

CYNTHIA RYAN - WILLOW LAKE AREA; APPLICATION NO. OST13-04, MARK A. RUTTER - SILVER LAKE HIGHLANDS AREA; APPLICATION NO. OST14-04, JOHN H. AND DIANE L. CARVER - WILLOW LAKE AREA; APPLICATION NO. OST15-04, RICHARD N. AND DEBORAH L. MUTTER - WILLOW LAKE AREA; APPLICATION NO. OST16-04, MICHAEL R. AND PAMELA L. ABERNATHY - HIGHLAND MEADOW AREA; APPLICATION NO. OST17-04, GERALD L. AND MARILEE K. GALLIGAN - HIGHLAND MEADOW AREA; APPLICATION NO. OST18-04, WILLIAM J. AND MARY LOU HOLLAND - FOREST GROVE AREA)
Sponsored by: Councilmember Terry Lee
Contact person: Chad Williams, 798-3683
For referral to the Community Development Committee
Suggested date of Council hearing: March 8, 2004

- c. Action on Resolutions (refer, set date of hearing)
1. PROPOSAL NO. R2005-3, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN PIERCE COUNTY, WASHINGTON.
Sponsored by: Councilmember Shawn Bunney
Contact person: Steve Bailey, 798-7711
For referral to the Public Safety and Human Services Committee

 2. PROPOSAL NO. R2005-4, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REESTABLISHING THE FENNEL CREEK CORRIDOR ADVISORY COMMITTEE, AN AD HOC COMMITTEE TO ADVISE THE PIERCE COUNTY COUNCIL REGARDING APPROPRIATE DENSITIES, ZONING, AND ENVIRONMENTAL PROTECTION MEASURES WITHIN THE FENNEL CREEK CORRIDOR; PROVIDING GUIDELINES AND A TIMELINE FOR THE WORK OF THE COMMITTEE; REQUESTING THE PLANNING LAND SERVICES DEPARTMENT PROVIDE TECHNICAL SUPPORT, INCLUDING TRANSMITTAL OF THE RECOMMENDATIONS OF THE COMMITTEE TO THE COUNCIL; AND SETTING A SUNSET DATE FOR THE AD HOC COMMITTEE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Hugh Taylor, 798-3665
For referral to the Community Development Committee
To be heard in the Community Development Committee on February 7, 2005

d. Other Items

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

1. A message from the Executive transmitting the following Ordinances, which were approved and signed on January 13, 2005, was read into the record:

Pierce County Council Meeting
January 25, 2005

ORDINANCE NO. 2004-90s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 12TH STREET EAST RIGHT-OF-WAY IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN THE BONNEY LAKE AREA.

ORDINANCE NO. 2004-91, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE CLOSURE OF A PORTION OF 276TH STREET EAST AND WEILER ROAD TO ALL CLASSES OF VEHICLES BEING LOCATED IN THE NORTH HALF OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, IN THE ELK PLAIN AREA; AND SAID CLOSURE BEING MADE PURSUANT TO CHAPTER 47.48 REVISED CODE OF WASHINGTON.

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

PROPOSAL NO. R2005-5, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE CONGRATULATING SERGEANT FIRST CLASS THOMAS M. LUCHINO ON HIS RETIREMENT FROM THE UNITED STATES ARMY.

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

Goings stated Luchino resides in the Northeast Tacoma area. He spoke in support of the Proposal and urged the Council's adoption.

The Chair called for public testimony; there was no response.

Bunney stated Luchino has served in many parts of the world throughout his military career and wishes to retire in Pierce County.

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

VII. ORDINANCES - None

VIII. RESOLUTIONS - None

IX. OTHER BUSINESS

1. Lee moved to amend the Meeting Schedule for the week of January 24-28, 2005, to include a Performance Audit Committee meeting on Thursday, January 27, 2005, at 4 p.m. The Agenda is as follows:

1. Chair's Opening Remarks
2. Approval of Minutes

3. Puget Sound Behavioral Health: Project Work Plan and Contract with Dale Jarvis, MCPP Healthcare
4. Other Business
5. Next Meeting: March 17 (or earlier if needed)

The motion was seconded and passed.

2. Presentation: Tall Ships Festival -- Clare Petrich, Port of Tacoma Commissioner; and Don Meyer, Foss Waterway.

Petrich and Meyer provided information on the 2005 Tall Ships Festival, which will be held in July. Introductions were made of individuals in the audience who are working on the festival. After the presentation, Petrich and Meyer answered questions of Councilmembers. A copy of the presentation material is contained in the Clerk's meeting file.

There being no objections from Council, the Chair advanced to Section XI., GENERAL PUBLIC COMMENTS.

The Chair announced the conclusion of the televised portion of the business meeting.

X. GENERAL COMMENTS - None

The Chair returned to the regular order of business at Section X., item 3.

3. EXECUTIVE SESSION:

Discussion pursuant to Revised Code of Washington (RCW) 42.30.110(b). To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.

The Chair stated the Council will convene in Executive Session for 30 minutes.

At 3:35 p.m. the business meeting recessed and the Council convened into Executive Session. At 4:05 p.m. the Executive Session concluded and the business meeting of the Council reconvened.

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January 25, 2005

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at
4:05 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Shawn Bunney, Council Chair

Date Approved

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