

**MINUTES
PIERCE COUNTY COUNCIL MEETING
FEBRUARY 7, 2006**

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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 3:20 p.m. by Chair Bunney.

II. ROLL CALL

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

Council Staff Present: Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Hugh Taylor, Senior Legislative Analyst; and Tom Weber, Administrator for Research and Policy.

There were 40 visitors present.

III. 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.

IV. APPROVAL OF AGENDA

Lee 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. 2005-55, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING TAX TITLED PARTIAL OWNERSHIP INTEREST IN CERTAIN REAL PROPERTY AS SURPLUS; AND AUTHORIZING THE COUNTY EXECUTIVE TO PURSUE DISPOSAL OF THE COUNTY'S PARTIAL OWNERSHIP BY

EXCHANGE FOR A COMMENSURATE INTEREST IN SIMILAR REAL PROPERTY PURSUANT TO CHAPTER 2.110 OF THE PIERCE COUNTY CODE. (THE COUNTY'S OWNERSHIP INTEREST IS IN PROPERTY LOCATED AT 20605 131ST STREET COURT EAST IN THE BONNEY LAKE AREA.)

Sponsored by: Councilmember Shawn Bunney
Department contact person: Hudson Stansbury, 798-7477

Council contact person: Steve Gross, 798-7579

DO PASS RECOMMENDATION - THE RULES AND OPERATIONS COMMITTEE ON AUGUST 8, 2005

Suggested date of Council hearing: March 14, 2006

The Council may act on the following substitute proposal:

PROPOSAL NO. 2005-55s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING TAX TITLED PARTIAL OWNERSHIP INTEREST IN CERTAIN REAL PROPERTY AS SURPLUS; AUTHORIZING THE COUNTY EXECUTIVE TO PURSUE DISPOSAL OF THE COUNTY'S PARTIAL OWNERSHIP BY EXCHANGE FOR A COMMENSURATE INTEREST IN SIMILAR REAL PROPERTY PURSUANT TO CHAPTER 2.110 OF THE PIERCE COUNTY CODE. (THE COUNTY'S OWNERSHIP INTEREST IS IN PROPERTY LOCATED NEAR 198TH AVENUE EAST AND 131ST STREET COURT EAST IN THE BONNEY LAKE AREA); AND RATIFYING THE TERMS OF THE AGREEMENT PURSUANT TO SECTION 2.110.120 OF THE PIERCE COUNTY CODE.

2. PROPOSAL NO. 2006-12, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING TITLE 3 OF THE PIERCE COUNTY CODE, "PERSONNEL," BY ADOPTING A NEW CHAPTER 3.13, "DOMESTIC VIOLENCE IN THE WORKPLACE."

Sponsored by: Councilmember Barbara Gelman
Department contact person: Sue Wahlberg, 798-6174
Council contact person: Carolyn Pendle, 798-3631
For referral to the Public Safety and Human Services Committee

3. PROPOSAL NO. 2006-13, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING AMENDMENTS TO TREE CONSERVATION REQUIREMENTS AND NATIVE VEGETATION RETENTION REQUIREMENTS FOR RURAL AREAS; ADOPTING AMENDMENTS TO CHAPTER 18H.40 OF THE PIERCE COUNTY CODE, "TREE CONSERVATION"; ADOPTING AMENDMENTS TO CHAPTER 18J.15 OF THE PIERCE COUNTY CODE, "COUNTY-WIDE URBAN AND RURAL DESIGN STANDARDS AND GUIDELINES"; REQUESTING REVIEW BY THE PLANNING COMMISSION; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmembers Shawn Bunney and Roger Bush

Council contact person: Hugh Taylor, 798-3665
For referral to the Community Development Committee
To be heard in the Community Development Committee on
February 13, 2006
Suggested date of Council hearing: March 14, 2006

c. Action on Resolutions (refer, set date of hearing)

1. PROPOSAL NO. R2006-13, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ESTABLISHING AN AD HOC HOUSING AFFORDABILITY TASK FORCE TO EXAMINE THE COSTS OF HOUSING DEVELOPMENT AND RECOMMEND SPECIFIC MEASURES TO ADDRESS THE AFFORDABLE HOUSING NEEDS FOR ALL ECONOMIC SEGMENTS OF THE POPULATION WITH PARTICULAR INTEREST FOR LOW INCOME POPULATIONS; PROVIDING GUIDELINES AND A TIMELINE FOR THE WORK OF THE TASK FORCE; REQUESTING THE PLANNING COMMISSION TO REVIEW THE PROPOSAL AND MAKE RECOMMENDATIONS FOR ACTION BY THE COUNTY COUNCIL; AND SETTING A SUNSET DATE OF THE AD HOC TASK FORCE.

Sponsored by: Councilmember Calvin Goings
Department contact person: Gary Aden, 798-6912
Council contact person: Hugh Taylor, 798-3665
For referral to the Community Development Committee
To be heard in the Community Development Committee on
February 13, 2006
Suggested date of Council hearing: February 28, 2006

d. Other Items

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

1. State of the Superior Court Address - by Stephanie Arend, Presiding Judge. Judge Arend provided an update to the Council on Superior Court issues, and addressed funding positions for a seventh Superior Court Judge and a staff person.
2. A message from the Executive transmitting the following Ordinance, which was approved and signed on January 24, 2006, was read into the record

ORDINANCE NO. 2005-102, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CHANGING THE NAME OF THE PIERCE COUNTY INFORMATION SERVICES DEPARTMENT TO PIERCE COUNTY INFORMATION TECHNOLOGY DEPARTMENT; AND AMENDING SECTIONS 2.06.010, 2.07.100 AND 2.98.030 OF THE PIERCE COUNTY CODE.

3. A message from the Executive transmitting the following

Ordinance, which was approved and signed on January 26, 2006, was read into the record:

ORDINANCE NO. 2005-119, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RESPONDING TO THE FINAL DECISION AND ORDER ISSUED BY THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD IN "BONNEY LAKE ET AL. V. PIERCE COUNTY, CASE NO. 05-3-0016C," REGARDING SHORELINE DENSITY EXCEPTIONS; AMENDING PIERCE COUNTY CODE SECTION 19A.40.020 D.7.; ADOPTING FINDINGS OF FACT; AND ESTABLISHING AN EFFECTIVE DATE.

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS - None

VIII. ORDINANCES

PROPOSAL NO. 2006-14, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING INTERIM STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS AS INTERIM AMENDMENTS TO TITLE 18A, DEVELOPMENT REGULATIONS - ZONING, AND TITLE 18J, DEVELOPMENT REGULATIONS - DESIGN STANDARDS AND GUIDELINES; ESTABLISHING AN INITIAL SUNSET DATE FOR THE INTERIM REGULATIONS; ESTABLISHING AN AD HOC ADVISORY COMMITTEE TO REVIEW PLANNED DEVELOPMENT DISTRICTS AND PROVIDE RECOMMENDATIONS REGARDING THE SAME TO THE PIERCE COUNTY COUNCIL; REQUIRING A PUBLIC HEARING ON THIS ORDINANCE WITHIN SIXTY DAYS; SETTING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

Staff Testimony

Taylor explained the intent of the emergency proposal is to address public safety and health concerns related to limited access and the design of structures within the Planned Development Districts (PDD). Taylor briefed the Council on Sections 1-7 of the Proposal and on Exhibit A.

Goings moved an oral amendment to Exhibit A, page 3 of 5, line 21, to insert the words "or two-family" after the words "single-family"; motion seconded.

The Chair called for public testimony on the amendment there was no response.

The motion passed on a voice vote.

Bush moved an oral amendment to Exhibit C, page 1 of 1, to insert in alphabetic order the following to the PDD Ad Hoc Advisory Committee:

"Pierce County Fire Chiefs Association, Gary Franz"
"Planning and Land Services, Chip Vincent"

The motion was seconded.

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

The motion passed on a voice vote.

Goings expressed his appreciation to Taylor and to the Fire Services personnel for working on the PDD issue. Goings complimented Bush's district as being a fast growing district.

Public Testimony on Amended Proposal

Catherine Rudolph, Association of Realtors, spoke to the Proposal.

Gary Franz, Pierce County Fire Chiefs Association, spoke to the Proposal.

At the Chair's request, Taylor addressed the PDD standards.

Erick Ellison, Frederickson Land Use Commission, spoke to the Proposal.

Alton McDonald spoke to the Proposal.

Councilmembers provided final comments in support of the amended Proposal.

At the Chair's request, Vicki Diamond, Planning and Land Services Department, briefed the Council on the Hearing Examiner's safety concerns.

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

IX. RESOLUTIONS

PROPOSAL NO. R2006-17, A RESOLUTION OF THE PIERCE COUNTY COUNCIL FINDING THAT THE PROVISIO INCLUDED IN ORDINANCE NO. 2005 92s RELATING TO THE EXPENDITURE OF SEWER FUNDS FOR THE CONSTRUCTION OF THE CENTRAL AND NORTH MEADOW PARKS HAS BEEN SATISFIED; AND AUTHORIZING EXPENDITURE OF SEWER FUNDS FOR CONSTRUCTION OF THESE FACILITIES CONSISTENT WITH THE ADOPTED 2006 BUDGET.

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

Lee moved Council Amendment No. 1 on blue; motion seconded. A copy of the amendment is identified as Attachment I to these minutes.

Taylor explained that the amendment changes the design of North Meadow Park.

Goings moved an oral amendment to Council Amendment No. 1, to strike the existing Item d. in its entirety and replace it with the following new language: "Development of the North Meadow Park, including the Soundview Trail, parking, restroom, access road, and all other features shall be designed and constructed in a manner that will not appreciably impair or reduce its value or use for future sale and private development. Upon selection of an acceptable bid, the Council shall be briefed on the costs, design and construction aspects of the proposed contract."

Testimony on the Amendments

Ken Paulson provided testimony on the oral amendment.

The Chair called for the question on the oral amendment; the amendment motion passed on a voice vote.

Taylor suggested the following technical changes on page 1 of 2 of Council Amendment No. 1: in the third Whereas clause after the words "until such" insert the word "time"; in the third Whereas clause after the words "Golf Course is" strike the word "~~operation~~" and replace it with the word "operational"; and on page 2 of 2, Section 2, after the word "City" insert the word "of."

Lee moved the oral technical changes to Council Amendment No. 1 suggested by Taylor; motion seconded and passed on a voice vote.

Discussion ensued on the design of the North Meadow Park and the future maintenance of the park.

Brian Ziegler, Public Works and Utilities Department, explained the maintenance and operations of the Park will be by the Sewer Utility.

Following Councilmember comments, Council Amendment No. 1 passed on voice vote.

Public Testimony

Ken Paulson provided testimony on the amended Proposal.

Alton McDonald provided testimony on the amended Proposal.

Councilmembers Goings and Lee provided closing comments in support of the Proposal.

At the Chair's request Brian Ziegler responded to Paulson's comments by explaining the costs difference of the golf course and the Central and North Meadow Parks.

As a result of Taylor informing the Council of the correct facility costs, Goings moved the following oral amendment: on the Proposal: page 1 of 2, line 41, replace "\$3.5 million" with "\$4 million"; motion seconded.

In response to Goings' question, Taylor concurred the \$4 million is the total amount of the project costs.

Public Testimony

Ken Paulson provided testimony on the oral amendment.

The question was called on the amendment; the motion passed on a voice vote.

The Chair called for public testimony on the Proposal as amended; there was no response. The Chair called for Councilmember comments on the amended Proposal; there was no response.

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

PROPOSAL NO. R2006-19, AN EMERGENCY RESOLUTION OF THE PIERCE COUNTY COUNCIL FINDING THAT THE PROVISIO INCLUDED IN ORDINANCE NO. 2005-92s RELATING TO THE EXPENDITURE OF SEWER FUNDS FOR THE CONSTRUCTION OF THE RECLAIMED WATER FACILITY HAS BEEN SATISFIED; AND AUTHORIZING EXPENDITURE OF SEWER FUNDS FOR CONSTRUCTION OF THIS FACILITY CONSISTENT WITH THE ADOPTED 2006 BUDGET.

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

Staff Testimony

Taylor commented the Proposal would release \$6.3 million appropriated in the 2006 Budget for purposes of constructing a reclaimed water facility. The emergency is being declared to allow time to implement and test new sewer treatment technologies in a timely manner to expand the County's overall sewer treatment capacity.

Goings noted the Ordinance has to be established for safety reasons.

Goings moved the following oral amendment: On page 1 of 3 at line 40; and on page 2 of 3 at line 1, strike "\$6.8 million" and replace it with "\$6.3 million"; motion seconded.

Public Testimony

Ken Paulson provided testimony on the amendment.

The question was called on the amendment; the motion passed on a voice vote.

The Chair called for Councilmember comments on the amended Proposal; there was no response.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Lee moved to amend the February 13-17, 2006, Council Meeting Schedule's February 14, 2006, Public Safety and Human Services Committee Agenda, by adding the following to Item 5. as follows:

(To launch discussion on amending Chapter 5.24 Pierce County Code - the Proposal will not be adopted in this form.)

A. Requested information, including:

- 1) Licensing and enforcement of animal facilities - Pat McCarthy, Pierce County Auditor
- 2) Enforcement of animal cruelty laws - Craig Adams, Legal Advisor, Pierce County Sheriff Dept.
- 3) Tacoma-Pierce County Health Department
- 4) Washington State Veterinarian

B. Public Comments on issues

The motion passed.

XI. CITIZENS' FORUM

1. Ken Paulson expressed his concerns regarding the Council vote process.
2. Alton McDonald spoke to the conduct of judges as it relates to religious discrimination.

In response to citizens' comments, Goings explained that approximately \$2 million has been saved and the burden to the public has been reduced. In addition, Goings suggested that McDonald contact the City Council regarding the particular judge's conduct.

X. OTHER BUSINESS/ANNOUNCEMENTS (CONT'D)

2. Executive Session

Long stated the Executive Session is authorized pursuant to Revised Code of Washington 42.30.110(i).

The Chair announced the Council will return to the regular order of business at 6 p.m. At 5 p.m. the Council entered into Executive Session and went off the record. At 6 p.m. the Council reconvened the business meeting with the Chair announcing the Council will be in Executive Session for an additional 15 minutes; the business meeting went off the record. At 6:15 p.m. the Council returned to the regular order of business.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:15 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Shawn Bunney, Council Chair

Date Approved

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