

MINUTES  
PIERCE COUNTY COUNCIL MEETING  
**February 20, 2007**

930 Tacoma Avenue South, Room 1045  
Tacoma, WA 98402

**(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 3:00 p.m. by Chair Lee.

II. Roll Call

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

Council Staff Present: Jeff Cox, Legal Legislative Analyst; Anna Graham, Senior Legislative Analyst; Denise Johnson, Clerk of the Council; Karen Lease-Smith; Councilmember Assistant; Susan Long, Administrator of Legal and Operations; Leslie Swalley, Councilmember Assistant; Thomas Weber, Administrator of Research and Policy; and Christine Wilson, Councilmember Assistant .

There were 20 visitors present.

III. Pledge of Allegiance to the Flag

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

IV. Approval of Agenda

Goings moved approval of the agenda; motion seconded and passed on a voice vote.

V. Consent Agenda

***No final action on any Ordinance or Resolution was taken under this Section.***

**a. Approval of Minutes**

1. The minutes of the March 28, 2006, regular Council meeting
2. The minutes of the May 9, 2006, regular Council meeting
3. The minutes of the February 6, 2007, regular Council meeting

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

1. Proposal No. 2006-111, An Ordinance of the Pierce County Council Vacating an Easement Within a Portion of Old Hales Passage Road Northwest in Section 27, Township 21 North, Range 1 East of the Willamette Meridian, in the Warren Area.

Sponsored by: Councilmember Terry Lee

Department contact person: Jerry West, Public Works and Utilities,  
(253) 798-3687

Council contact person: Thomas Weber, (253) 798-6067

Committee recommendation: Do Pass at Economic and Infrastructure  
Development on February 6, 2007

Suggested date of Council hearing: March 27, 2007

2. Proposal No. 2006-134, An Ordinance of the Pierce County Council Vacating a Portion of 94th Avenue Northwest Located in the Southwest Quarter of Section 15, Township 22 North, Range 1 East, of the Willamette Meridian, in the Gig Harbor Area.

Sponsored by: Councilmember Terry Lee

Department contact person: Jerry West, Public Works and Utilities,  
(253) 798-3687

Council contact person: Thomas Weber, (253) 798-6067

Committee recommendation: Do Pass at Economic and Infrastructure  
Development on February 6, 2007

Suggested date of Council hearing: March 27, 2007

3. Proposal No. 2006-136, An Ordinance of the Pierce County Council Finding that Acquisition of Certain Real Property for the 176<sup>TH</sup> Street East and 14<sup>th</sup> Avenue East Infiltration Pond Project of the Pierce County Public Works and Utilities Department, Storm Drainage and Surface Water Management Utility, is a Public Necessity; and Authorizing the Prosecuting Attorney to Commence Condemnation Proceedings to Acquire Real Property for Said Capital Project. (Washington Horsemen's Tacoma Unit #1 Parcel)

Sponsored by: Councilmember Roger Bush

Department contact person: Hans Hunger, Public Works and Utilities,  
(253) 798-6162

Council contact person: Thomas Weber, (253) 798-6067

Committee recommendation: Do Pass at Economic and Infrastructure  
Development on February 6, 2007

Suggested date of Council hearing: March 20, 2007

4. Proposal No. 2006-140, An Ordinance of the Pierce County Council Granting Sumner Viewpoint Homeowners' Association, a Nonexclusive Franchise to Construct, Operate and Maintain a Sanitary Sewer Pipeline System, In, Along, and Under Certain Public Roads and Highways in Pierce County, Washington; and Authorizing the County Executive to Enter into Said Franchise.

Sponsored by: Councilmember Terry Lee  
Department contact person: Jerry West, Public Works and Utilities,  
(253) 798-3687  
Council contact person: Thomas Weber, (253) 798-6067  
Committee recommendation: Do Pass at Economic and Infrastructure  
Development on February 6, 2007  
Suggested date of Council hearing: March 27, 2007

5. Proposal No. 2006-141, An Ordinance of the Pierce County Council Granting Falling Water Division 1 Homeowners' Association a Nonexclusive Franchise to Construct, Operate, and Maintain a Sanitary Sewer Pipeline System In, Along, and Under Certain Public Roads and Highways in Pierce County, Washington; and Authorizing the County Executive to Enter into Said Franchise.

Sponsored by: Councilmember Terry Lee  
Department contact person: Jerry West, Public Works and Utilities,  
(253) 798-3687  
Council contact person: Thomas Weber, (253) 798-6067  
Committee recommendation: Do Pass at Economic and Infrastructure  
Development on February 6, 2007  
Suggested date of Council hearing: March 27, 2007

6. Proposal No. 2006-142, An Ordinance of the Pierce County Council Granting Falling Water Division 3 Homeowners' Association a Nonexclusive Franchise to Construct, Operate, and Maintain a Sanitary Sewer Pipeline System In, Along, and Under Certain Public Roads and Highways in Pierce County, Washington; and Authorizing the County Executive to Enter into Said Franchise.

Sponsored by: Councilmember Terry Lee  
Department contact person: Jerry West, Public Works and Utilities,  
(253) 798-3687  
Council contact person: Thomas Weber, (253) 798-6067  
Committee recommendation: Do Pass at Economic and Infrastructure  
Development on February 6, 2007  
Suggested date of Council hearing: March 27, 2007

7. Proposal No. 2007-2, An Ordinance of the Pierce County Council Declaring the Property Located in the 7300 Block of 84th Street East as Surplus; and Authorizing the Exchange of Real Property Negotiated between Pierce County Public Works and Utilities, Water Programs Division, and William A. and Julia A. Jump for Adjacent Property also Located in the 7300 Block of 84th Street East, Pierce County Washington.

Sponsored by: Councilmember Shawn Bunney  
Department contact person: John Leyden, Public Works and Utilities,  
(253) 798-4254  
Council contact person: Thomas Weber, (253) 798-6067

Committee recommendation: Do Pass at Rules and Operations  
on January 29, 2007  
Suggested date of Council hearing: March 20, 2007

8. Proposal No. 2007-4, An Ordinance of the Pierce County Council Placing the Lloyd & Signe (Johnson) White Farm Located at 14614 – 204<sup>th</sup> Street East, Graham, Washington, on the Pierce County Register of Historic Places; and Adopting Findings of Fact. (Parcel Numbers 0418014034 and 0418014700)

Sponsored by: Councilmember Terry Lee  
Department contact person: Julia Airyang Park, Planning and Land Services, (253) 798-2783  
Council contact person: Thomas Weber, (253) 798-6067  
Committee recommendation: Do Pass at Rules and Operations  
on January 29, 2007  
Suggested date of Council hearing: March 20, 2007

9. Proposal No. 2007-5, An Ordinance of the Pierce County Council Granting a Nonexclusive Franchise to Firgrove Mutual Water Company, for Location of Waterlines on Certain County-Owned Rights-of-Way and Authorizing the County Executive to Execute Said Franchise.

Sponsored by: Councilmember Terry Lee  
Department contact person: Jerry West, Public Works and Utilities, (253) 798-3687  
Council contact person: Thomas Weber, (253) 798-6067  
Committee recommendation: Do Pass at Economic and Infrastructure Development on February 6, 2007  
Suggested date of Council hearing: March 27, 2007

10. Proposal No. 2007-8s, An Ordinance of the Pierce County Council Amending Ordinance No. 2006-114s; and Modifying the County 2007 Budget.

Sponsored by: Councilmember Shawn Bunney  
Department contact person: Mary Schmidtke, Budget and Finance, (253) 798-7512  
Council contact person: Paul Bocchi, (253) 798-7304  
Committee recommendation: Do Pass as Substituted at Rules and Operations on February 5, 2007  
Suggested date of Council hearing: March 20, 2007

11. Proposal No. 2007-9, An Ordinance of the Pierce County Council Amending Chapter 1.26 of the Pierce County Code, "Performance Auditing".

Sponsored by: Councilmember Dick Muri  
Department contact person: Matt Temmel, Performance Audits, (253) 798-4927  
Council contact person: Susan Long, (253) 798-6068

Committee recommendation: Do Pass at Rules and Operations  
on February 5, 2007  
Suggested date of Council hearing: March 20, 2007

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

1. Proposal No. R2007-5, A Resolution of the Pierce County Council Related to the Storm Drainage and Surface Water Management Utility; Finding that the Public Works and Utilities Department has Complied With Provisions of the 2007 Budget; and Authorizing Acquisition of the Turnbull Property at South Prairie Creek.

Sponsored by: Councilmember Terry Lee

Department contact person: Dan Wrye, Public Works and Utilities, (253) 798-4672

Council contact person: Paul Bocchi, (253) 798-7304

Committee recommendation: Do Pass at Rules and Operations  
on January 29, 2007

Suggested date of Council hearing: March 6, 2007

**d. Other Items**

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

VI. Messages from Executive/Judges/Prosecuting Attorney - None

VII. Proclamations, Awards, and/or Appointments to Boards and Commissions

**Proposal No. R2007-23, A Resolution of the Pierce County Council and Executive Proclaiming the Month of February 2007 as "Black History Month" in Pierce County, Washington.**

Goings moved adoption of the Proposal; motion seconded. The Clerk read the title into the record. Lee read the Proclamation into the record in its entirety.

Lee called for public testimony; there was no response.

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

**Proposal No. R2007-19, A Resolution of the Pierce County Council Confirming the Reappointment of One Member to the Ethics Commission (Michael Lacadie).**

Goings moved adoption of the Proposal; motion seconded. The Clerk read the title into the record.

### Public Testimony

Bud Rehberg testified on the Proposal.

Muri remarked that Lacadie is a resident of his district, and he spoke to Lacadie's involvement in the community.

Lee expressed his appreciation of the appointee's willingness to serve on the Commission.

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

### **Proposal No. R2007-20, A Resolution of the Pierce County Council Confirming the Reappointment of One Existing Member (Carlos "Carl" Vest), and the Appointment of Three New Members (Harold "Hal" Daskam, William Gilpin, and Lori Wales) to the South Hill Advisory Commission.**

Goings moved consideration of the Proposal; motion seconded. The Clerk read the title into the record.

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

### Staff Testimony

Long explained the intent of the amendment is to remove the name Carlos "Carl" Vest, which was recommended by the Executive, from the Proposal.

In response to Goings' question to Bush as to rationale of removing Vest's name, Bush asked that public testimony be taken first.

The Chair called for public testimony on the amendment.

### Public Testimony

Claudia Finseth, Bud Rehberg, Wayne Flood, Nell Batker, Pat Drake, Betsy Stubbs, Jim Akers (provided no verbal testimony; his allotted time was in silence), Joseph Price, Carl Vest, and Daryl McCarty testified to the amendment.

The Chair called for Councilmember comments.

Goings responded to McCarthy's comments.

Bush spoke to Vest's involvement in the South Hill community, his qualifications, and his volunteerism on various County boards and commissions. He explained the amendment would allow a variety of positions and view points on the South Hill Advisory Board. Bush urged the Council to adopt the amendment.

Goings spoke to the myths surrounding the appointments. He distributed and explained a timeline document that outlined the appointments to the South Hill Advisory Commission. A copy of the handout is included in the Resolution file.

Bush reiterated he wants diversity of views on the Commission.

Gelman pointed out there is no written policy on selecting specific Council district appointees, and suggested a policy be established. Gelman recommended that Bush withdraw his amendment.

Farrell expressed his appreciation of Gelman's comments, and asked the Chair to call for the question.

Bunney spoke to the Council's honoring the long standing tradition of the appointment process.

Lee commented the Council relies heavily on the Councilmember to make recommendations for appointees to serve in his/her Council district. Lee reiterated the amendment would remove Carl Vest's name and all the other names will remain in the Proposal.

The amendment passed on a roll call vote of four to three (Farrell, Gelman, and Goings voted nay).

#### Public Testimony on the Proposal as Amended

Wayne Flood, Claudia Fineth, Nell Batker, Pat Drake (handout in Resolution file), Bud Rehberg, Betsy Stubbs, Jim Akers, Alton McDonald, and Deryl McCarty testified to the amended Proposal.

During Councilmember final comments on the amended Proposal, Bush moved to call for the question; motion seconded. Goings called Point of Order and asked for clarification that it takes a two-third vote to end debate; Long concurred.

The motion failed.

Discussion ensued when Goings challenged Bush and Bunney regarding whether or not Goings referenced one of the appointees in his previous comments.

Bunney spoke to the professions of the proposed appointees.

The Proposal passed as amended on a roll call vote of four to two with one abstention (Gelman and Goings voted nay; Farrell abstained).

## VIII. Ordinances

### **Proposal No. 2007-10, An Ordinance of the Pierce County Council Adopting Amendments to Title 18A, Pierce County Development Regulations - Zoning; and the Pierce County Zoning Atlas, to Implement the 2006 Amendments to the Pierce County Comprehensive Plan, Adopted in Ordinance No. 2006-94s; Setting Forth an Effective Date; and Adopting Findings of Fact.**

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

#### Staff Testimony

Graham reported the Proposal received a do pass recommendation by the Rules and Operations Committee on February 12, 2007. Graham explained the Proposal implements the Comprehensive Plan amendments approved by the Council last year.

Graham suggested that an oral amendment be made on page 1 of 3, lines 13-14, to delete the words "Setting Forth an Effective Date;" in the title.

Goings moved the suggested amendment; motion seconded.

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

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

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

### **Proposal No. 2007-11, An Ordinance of the Pierce County Council Authorizing the Approval 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. OS96-05, John R. and Cherie M. Reeves – Roy Area; Application No. OS1-06, Woodworth and Company and Miles Sand and Gravel – Bonney Lake Area; Application No. OS18-06, Cayetano S. Bailon – Roy Area)**

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

#### Staff Testimony

Weber reported the applications were heard by the Planning Commission on December 12, 2006. The Proposal was heard by the Rules and Operations Committee on February 12, 2007.

The Chair called for public testimony on the Proposal; 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. Citizens' Forum

1. Bud Rehberg informed the Council that technical amendments to the Graham Community Plan will be forth coming.
2. Daryl McCarty spoke to the land use advisory commission training.
3. Ken Paulson spoke to the proposed traffic lanes on the new Narrows Bridge.
4. Dave Morrell spoke to the new appointment process.
5. Alton McDonald spoke to lack of cultural diversity of workers on the new Narrows Bridge. In addition, he spoke to the treatment of female inmates housed at the jail.

XII. Adjournment

There being no further business, the meeting was adjourned at 5:00 p.m.

Attest:

\_\_\_\_\_  
Denise D. Johnson, Clerk of the Council

Approved:

\_\_\_\_\_  
Terry Lee, Council Chair

\_\_\_\_\_  
Date Approved

## Pierce County

Office of the County Council

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## ATTACHMENT I

**ROGER BUSH**  
Councilmember, District No. 3

April 12, 2007

### **COUNCIL AMENDMENT NO. 1** **Celery**

TO: Councilmembers

FROM: Councilmember Roger Bush

SUBJECT: **PROPOSED AMENDMENTS TO RESOLUTION NO. R2007-20**

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I recommend the following amendments to Proposed Resolution No. R2007-20:

1. On page 1 of 2, lines 8 and 9 of the Title, delete "~~the Reappointment of One Existing Member (Carlos 'Carl' Vest), and~~".
2. On page 1 of 2, lines 23 and 24, delete the WHEREAS sentence in its entirety.
3. On page 1 of 2, line 30, delete "~~Carlos 'Carl' Vest,~~".
4. On page 1 of 2, lines 34 and 35, delete "~~reappointed Carlos 'Carl' Vest to a second four year term, and~~".
5. On page 2 of 2, lines 5 and 6, delete all of Section 1. and renumber the remaining Sections accordingly.

lm

c: Denise Johnson, Clerk of the Council

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