

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MARCH 8, 2005**

930 TACOMA AVENUE SOUTH, ROOM 1045
TACOMA, WASHINGTON 98402
(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018
www.co.pierce.wa.us/council

(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 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, Tim Farrell, Barbara Gelman, Calvin Goings, Dick Muri, and Terry Lee.

Council Staff Present: Steve Gross, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Legal Counsel; and Tom Weber, Administrator/Research & Policy.

There were approximately 35 visitors present.

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. 2005-14, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF CORNWELL-TIEDEMAN ROAD LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 1 WEST OF THE WILLAMETTE

MERIDIAN, IN THE KEY PENINSULA AREA.
Sponsored by: Councilmember Terry Lee
Contact person: Jerry West, 798-3687
For referral to the Economic & Infrastructure
Development Committee

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
DO PASS RECOMMENDATION - PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE ON FEBRUARY 22, 2005 (Barbara Gelman, Chair; Timothy M. Farrell, Vice Chair; Roger Bush, Member; Terry Lee, Member; Dick Muri, Member)
Suggested date of Council hearing: March 29, 2005
2. PROPOSAL NO. R2005-17, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REESTABLISHING THE PIERCE COUNTY CRIMINAL JUSTICE TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS ON THE CRIMINAL JUSTICE SYSTEM IN PIERCE COUNTY; DIRECTING THE TASK FORCE TO MAKE ANNUAL REPORTS AND 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 DECEMBER 31, 2006.
Sponsored by: Councilmembers Barbara Gelman and Dick Muri
Contact person: Carolyn Pendle, 798-3631
For referral to the Public Safety & Human Services Committee
3. PROPOSAL NO. R2005-23, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ASKING THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES TO CONDUCT A STORM DRAINAGE AND SURFACE WATER UTILITY RATE STUDY, ESTABLISHING POLICY GUIDANCE FOR THE STUDY; AND SETTING A REPORTING DATE.
Sponsored by: Councilmember Terry Lee
Contact person: Steve Gross, 798-7579
For referral to the Economic & Infrastructure Development Committee
To be heard in the Economic & Infrastructure Development Committee on March 15, 2005

d. Other Items

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY - None

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

PROPOSAL NO. R2005-13, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING THE WEEK OF MARCH 6-12, 2005, AS "VOLUNTEER RECOGNITION WEEK" IN PIERCE COUNTY, WASHINGTON; CONGRATULATING SUSAN PARR AND BARBARA TAYLOR AS THE 2004 LONG TERM ACHIEVEMENT AWARD WINNERS, CARRIE CORTER AS THE 2004 YOUTH VOLUNTEER OF THE YEAR, LESLIE ARMSTRONG AND JAMES FULCHER AS THE 2004 VOLUNTEERS OF THE YEAR; AND THE SHERIFF'S POSSE AS THE VOLUNTEER GROUP OF THE YEAR.

The Clerk read the Proclamation into the record.

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

Councilmembers Lee, Bunney, Gelman, and Goings provided comments in support of the Resolution.

Lyn Spellman, Coordinator Volunteer Services, Pierce County Juvenile Court, spoke in support of the Proposal and provided information on the Volunteer Recognition program. She has been working with the volunteer program for 27 years. Last year 30,000 hours were spent in volunteer services. She thanked the Council for the Proclamation.

Bunney thanked the volunteers for their community involvement.

Lee moved adoption of the Proposal; motion seconded. The Proposal was adopted on a roll call vote of seven to zero.

Bunney presented a copy of the Proclamation to the honorees in attendance.

PROPOSAL NO. R2005-19, A RESOLUTION OF THE PIERCE COUNTY COUNCIL COMMEMORATING THE LIFE AND ACHIEVEMENTS OF FORMER LEGISLATOR, RUTH FISHER.

The Clerk read the Proclamation into the record.

Farrell thanked the Council for its support of the Proposal, and he spoke to his friendship and working relationship with the late Representative Fisher.

Gelman spoke to Representative Fisher's work on transportation issues in the Pierce County area. She announced the memorial services will be at noon on March 12, 2005, at the Pantages Theatre.

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

Lee moved adoption of the Proposal; motion seconded.

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

VIII. ORDINANCES

PROPOSAL NO. 2004-115, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO ADVANCED TELECOM, 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.

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

Staff Testimony

Gross stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on January 18, 2005. He stated the Proposal is a standard agreement.

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

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

PROPOSAL NO. 2004-121, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 65TH AVENUE EAST LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE FIFE AREA.

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

Staff Testimony

Gross stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on January 18, 2005. He stated there are two petitioners. The primary petitioner transferred interest in the property to the Washington State Department of Transportation. The state will use the property for future improvements to 70th Avenue/I-5 interchange. The additional petitioner would be willing to pay costs, but wants to wait to see what the state will do. Gross contacted Steve Fuchs, project engineer of Tumwater Design Office to see if he was aware of the transfer. Fuchs asked that the Council not take final action until the state has had an opportunity to review the petition.

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

Lee withdrew his motion for adoption and moved that the Proposal be re-referred back to the Economic and Infrastructure Development Committee; motion seconded and passed.

PROPOSAL NO. 2004-126, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO GRAHAM HILL MUTUAL WATER COMPANY, INC., FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

Lee 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 18, 2005.

Bruce Duncan, Public Works and Utilities Department, explained the Proposal will replace the expiring franchise for a term 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. 2004-134, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE 2001-108, INCREASING THE ANNUAL SALARY OF THE PIERCE COUNTY PROSECUTING ATTORNEY.

Lee 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 January 24, 2005. Weber explained the Proposal would change the Prosecuting Attorney's salary from \$121,971 to \$124,411, effective September 1, 2004. The salary would be consistent with the Superior Court Judges, which was based on the Salary Commission's recommendations.

Doug Vanscoy, Chief Civil Deputy Prosecuting Attorney, spoke in support of the Proposal, stating the state pays half the salary of Superior Court Judges and half the salary of the elected Prosecutor. He pointed out that the Prosecutor has not received cost of living increases although other County employees had.

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

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

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)

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

Staff Testimony

Gross stated the Proposal received a do pass recommendation by the Community Development Committee on February 14, 2005. He stated Chad Williams, Planning and Land Services Department, was in attendance to answer any questions.

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

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

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,

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

Staff Testimony

Gross stated the Proposal received a do pass recommendation by the Community Development Committee on February 14, 2005.

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

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

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)

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

Staff Testimony

Gross stated the Proposal received a do pass recommendation by the Community Development Committee on February 14, 2005.

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

1. Presentation by Rainier Communications Commission to Comcast. Marc Pease provided an update on media services.

The Chair suspended the rules, to advance to Section XI., General Public Comments.

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

XI. GENERAL PUBLIC COMMENTS - None

The Chair returned to the regular order of business.

X. OTHER BUSINESS/ANNOUNCEMENTS (cont.)

2. EXECUTIVE SESSION:

- a. Discussion of pending litigation pursuant to Revised Code of Washington (RCW) 42.30.110(i), to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official

capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

- b. Discussion of acquisition of real property pursuant to 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.

Long stated the Executive Session authorized pursuant to RCW 42.30.110(i) and RCW 42.30.110(b).

The Chair announced the Executive Session will be concluding at 4:05 p.m. At 3:35 p.m., the Council convened into Executive Session. At 4:05 p.m., the business meeting reconvened; the Chair announced the Executive Session will conclude at 4:20 p.m. At 4:05 p.m., the Council reconvened into Executive Session; the business meeting reconvened at 4:20 p.m.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:20 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Shawn Bunney, Council Chair

Date Approved