

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MARCH 15, 2005**

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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 p.m. by Acting Chair Lee.

II. 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.

III. ROLL CALL

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

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

There were 10 visitors present.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

- a. Approval of Minutes
 - 1. Minutes of the January 11, 2005, regular Council meeting.
 - 2. Minutes of the January 18, 2005, regular Council meeting.
 - 3. Minutes of the January 25, 2005, regular Council meeting.

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

1. PROPOSAL NO. 2005-10s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING LOT SIZE LIMITATIONS FOR RURAL RESIDENTIAL ZONE CLASSIFICATIONS; AMENDING SECTIONS 18A.17.030, 18A.23.030, AND 18A.31.030, DENSITY AND DIMENSION TABLES, TO PREVENT THE ESTABLISHMENT OF RESIDENTIAL DENSITIES OUTSIDE OF URBAN GROWTH AREAS GREATER THAN THAT ALLOWED UNDER THE PIERCE COUNTY COMPREHENSIVE PLAN AND THE GROWTH MANAGEMENT ACT THROUGH THE USE OF A BOUNDARY LINE ADJUSTMENT PROCEDURE; ADOPTING FINDINGS OF FACT; AND FINDING THAT PUBLIC HEARINGS ON EMERGENCY ORDINANCE NO. 2004-129 HAVE BEEN CONDUCTED WITHIN 60 DAYS OF ITS ADOPTION AS REQUIRED BY STATE LAW.

Sponsored by: Councilmember Shawn Bunney

Contact person: Sean Gaffney, 798-2724

DO PASS AS SUBSTITUTED RECOMMENDATION - COMMUNITY DEVELOPMENT COMMITTEE ON FEBRUARY 28, 2005 - (Calvin Goings, Chair; Terry Lee, Vice Chair; Roger Bush, Member; Timothy M. Farrell, Member; Dick Muri, Member)

Suggested date of Council hearing: April 12, 2005

2. PROPOSAL NO. 2005-16, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO MILLENNIUM DIGITAL MEDIA SYSTEMS, L.L.C., FOR A CABLE NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE CABLE 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 & Infrastructure Development Committee

3. PROPOSAL NO. 2005-17, 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. OST46-04, MICHAEL AND HEATHER TSCHEUSCHNER - FOREST GROVE AREA; APPLICATION NO. OST47-04, JOHN C. LEWIS AND LILY L. SHUI- WILLOW LAKE AREA; APPLICATION NO. OST48-04, RONALD P. AND LINA C.M. ADRIANSE - HIGHLAND MEADOWS AREA; APPLICATION NO. OST49-04, LAMARR AND GINGER IMEL - HIGHLAND MEADOWS AREA; APPLICATION NO. OST50-04, HAROLD L. AND ROXANN L. TIBBITTS - WILLOW LAKE AREA; APPLICATION NO. OST51-04, PHILLIP B. AND HEIDI M. DALRYMPLE - WILLOW LAKE AREA; APPLICATION NO. OST52-04, CHARLES M. BOCK AND LESLIE ATTEBERY-BOCK - WILLOW LAKE AREA; APPLICATION NO. OST53-04, SUZAN B. VAN EATON- FOREST GROVE AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Chad Williams, 798-3683

For referral to the Community Development Committee
To be heard in the Community Development Committee on
March 21, 2005

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

1. PROPOSAL NO. R2005-20, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SUPPORTING THE ACTION OF THE STATE OF WASHINGTON ECONOMIC DEVELOPMENT FINANCE AUTHORITY AND THE ISSUANCE OF NON-RECOURSE REVENUE BONDS TO FINANCE AN ECONOMIC DEVELOPMENT FACILITY FOR HAROLD LEMAY ENTERPRISES, INC.; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by: Councilmember Terry Lee

Contact person: Hugh Taylor, 798-3665

For referral to the Rules & Operations Committee
To be heard in the Rules & Operations Committee on
March 21, 2005

2. PROPOSAL NO. R2005-24, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT TO REVIEW THE LANDSCAPING STANDARDS OF TITLE 18A OF THE PIERCE COUNTY CODE AND DESIGN STANDARDS OF TITLE 18J OF THE PIERCE COUNTY CODE APPLICABLE WITHIN THE CITY OF GIG HARBOR'S URBAN GROWTH AREA FOR CONSISTENCY PURPOSES; TO DEVELOP RECOMMENDATIONS TO RESOLVE ANY INCONSISTENCIES IN COOPERATION WITH THE CITY OF GIG HARBOR; TO DEVELOP RECOMMENDATIONS FOR RESOLVING ANY OTHER INCONSISTENCIES WITHIN THE LANDSCAPING PROVISIONS OF TITLE 18A OR DESIGN STANDARDS OF TITLE 18J DISCOVERED

DURING THIS REVIEW; AND TO FORWARD ALL RECOMMENDATIONS TO THE PLANNING COMMISSION FOR REVIEW BY AUGUST 1, 2005.

Sponsored by: Councilmember Terry Lee

Contact person: Hugh Taylor, 798-3665

For referral to the Community Development Committee

3. PROPOSAL NO. R2005-28, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ACCEPTING AN ACTION PLAN NECESSARY TO IMPLEMENT THE PLANNING AND LAND SERVICES DEPARTMENT'S (PALS) PERFORMANCE AUDIT RECOMMENDATIONS; INCLUDING A STRATEGY TO ELIMINATE PERMIT BACKLOG BY DECEMBER 31, 2005; AUTHORIZING THE RELEASE OF \$250,000 TOWARDS IMPLEMENTING THE ACCEPTED ACTION PLAN AND SETTING FORTH A PROCESS TO RELEASE ADDITIONAL MONIES FOLLOWING THE ACHIEVEMENT OF IDENTIFIED MILESTONES; LIMITING THE USE OF THE \$250,000 TO THE ELIMINATION OF APPLICATION BACKLOG ONLY; REQUESTING THAT THE OVERSIGHT COMMITTEE FOR THE PERFORMANCE AUDIT CONTINUE TO MEET ON A REGULAR BASIS AND MONITOR IMPLEMENTATION OF THE PERFORMANCE AUDIT; AND DIRECTING PALS TO PROVIDE MONTHLY PROGRESS REPORTS TO THE PIERCE COUNTY COUNCIL REGARDING IMPLEMENTATION OF THE PERFORMANCE AUDIT AND SUCCESS IN ELIMINATION OF APPLICATION BACKLOG.

Sponsored by: Councilmember Shawn Bunney

Contact person: Hugh Taylor, 798-3665

For referral to the Rules & Operations Committee

To be heard in the Rules & Operations Committee on March 21, 2005

Suggested date of Council hearing: March 22, 2005

4. PROPOSAL NO. R2005-29, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ESTABLISHING A HEALTH DEPARTMENT AGREEMENT TASK FORCE WHICH SHALL RECOMMEND A REVISED AGREEMENT BETWEEN PIERCE COUNTY AND THE CITY OF TACOMA BY AUGUST 1, 2005; APPOINTING TASK FORCE MEMBERS AND SUPPORT; AND SETTING A SUNSET DATE OF AUGUST 31, 2005.

Sponsored by: Councilmembers Barbara Gelman and Dick Muri

Contact person: Steve Gross, 798-7579

For referral to the Public Safety & Human Services Committee

To be heard in the Public Safety & Human Services Committee on March 22, 2005

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5. PROPOSAL NO. R2005-30, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONCERNING THE CO-LOCATION OF A PRE-RELEASE/WORK RELEASE FACILITY AT A MENTAL ILLNESS HOSPITAL OR TREATMENT CENTER WITH AN IMMEDIATE AND SPECIFIC CONCERN FOR THE WESTERN STATE HOSPITAL CAMPUS.

Sponsored by: Councilmember Dick Muri

Contact person: Steve Gross, 798-7579

For referral to the Rules & Operations Committee

To be heard in the Rules & Operations Committee on
March 21, 2005

Suggested date of Council hearing: March 22, 2005

d. Other Items

1. **Rescind Council's Action of Setting Date of Hearing of March 22, 2005:**

PROPOSAL NO. 2004-131, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE EXECUTIVE TO TRANSFER AN INTEREST IN PROPERTY FROM PIERCE COUNTY TO THE PENINSULA METROPOLITAN PARKS DISTRICT.

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

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

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

PROPOSAL NO. R2005-18, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONGRATULATING THE HERALD (IN PUYALLUP) ON ITS SECOND PLACE AWARD IN THE INLAND PRESS FOUNDATION'S "NATION'S BEST NON-DAILY NEWSPAPER" CONTEST.

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

Goings spoke in support of the Proclamation, stating the Herald is a wonderful addition to the community.

Farrell spoke in support of the Proclamation, stating the Editor and newspaper staff are assets to the community.

A Representative from the Puyallup Herald accepted the Proclamation and read a letter into the record thanking the

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Council for the honor. A copy of the letter is contained in the Resolution file.

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

PROPOSAL NO. R2005-16, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER AND THE REAPPOINTMENT OF FOUR EXISTING MEMBERS TO THE STORM DRAINAGE AND SURFACE WATER MANAGEMENT ADVISORY BOARD. (SCOTT REDMAN, LESLIE RYAN-CONNELLY, ALLEN ZULAUF, DEBORAH JOHNSTON, AND SEAN COMFORT)

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

Staff Testimony

Gross explained the Proposal changes membership on the Board, stated the Proposal received a do pass recommendation by the Rules and Operations Committee on March 7, 2005.

Harold Smelt, Pierce County Water Programs, stated all five existing members reapplied to be a board member and he urged the Council to adopt the Proposal.

Gelman spoke to the impressiveness of the Board.

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

PROPOSAL NO R2005 -21, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE MENTAL HEALTH ADVISORY BOARD. (ARLEE EHLERS)

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

Staff Testimony

Weber explained the Proposal appoints a new member recommended by the Executive, and stated the Proposal was not heard in committee.

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

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PROPOSAL NO. R2005-22, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE AGING AND LONG TERM CARE ADVISORY BOARD. (LINDA COLGAN)

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

Staff Testimony

Weber explained the Proposal appoints a new member recommended by the County Executive, and stated the Proposal was not heard in committee.

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

PROPOSAL NO. R2005-25, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE MEMBER TO THE SHERIFF'S CIVIL SERVICE COMMISSION. (MICHAEL BRANCHINI)

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

Staff Testimony

Weber explained the Proposal re-appoints an existing member to the Commission. The Proposal was not heard in committee. The appointee's term will expire on February 1, 2011.

Muri stated that he served with the appointee in the military services.

Lee thanked the appointees and stated his appreciation for their volunteerism.

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

VIII. ORDINANCES

PROPOSAL NO. 2004-130s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO THE CITY OF BONNEY LAKE, A MUNICIPAL CORPORATION, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY

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OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

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

Staff Testimony

Weber stated the Proposal received a do pass as substituted recommendation by the Economic and Infrastructure Committee on February 1, 2005.

Bruce Duncan, Public Works and Utilities Department, explained the Proposal renews an expiring franchise. He stated the franchise will be for a term of 15 years and is consistent with planning policies.

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

PROPOSAL NO. 2004-132s, 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.

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

Staff Testimony

Gross explained the Proposal places the Board under the Clerk of the Superior Court. The Proposal received a do pass as substituted recommendation by the Rules and Operations Committee on January 31, 2005.

Kevin Stock, Clerk of the Superior Court, spoke in support of the Proposal and urged the passing of the Proposal. In response to Gelman's questions, Stock stated the Clerk of the Board staff will come under his scope with the new structure, and he'll be the supervisor now.

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

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PROPOSAL NO. 2004-135s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO STROH'S WATER COMPANY, INC., FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

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

Staff Testimony

Weber stated the Proposal received a do pass as substituted recommendation by the Economic and Infrastructure Committee on February 1, 2005.

Bruce Duncan stated that Stroh's is a small water company in Gig Harbor, and explained the Proposal replaces an expiring franchise for a term of 15 years.

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

PROPOSAL NO. 2005-18, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO REIMBURSEMENT AGREEMENTS FOR SEWER FACILITIES; REPEALING CHAPTER 13.05 OF THE PIERCE COUNTY CODE AND DIRECTING THE PUBLIC WORKS AND UTILITIES DEPARTMENT TO ESTABLISH A NEW PROGRAM AND DECLARING AN EMERGENCY.

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

Staff Testimony

Gross explained the Proposal constitutes an emergency as authorized per Section 2.50 of the Pierce County Charter. The Proposal addresses an issue that was raised by the Hearing Examiner. The Public Works and Utilities Department is to come back to the Council in six month with a new plan.

Pete Philley, Deputy Prosecuting Attorney, stated he was available for questions; no questions were asked of him.

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

IX. RESOLUTIONS - None

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Lee moved to suspend the Rules to call for General Public Comments; motion seconded and passed.

Lee, as Acting Chair, announced the conclusion of the televised portion of the business meeting.

XI. GENERAL PUBLIC COMMENTS - None

Lee returned to the regular order of business at Section X., Other Business/Announcements.

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Bush moved to amend the March 22, 2005, Council Agenda to add a Resolution regarding senate and house bills regarding meth drugs, and amend the March 21-25, 2005, Meeting Schedule by adding the mentioned Proposal to the March 21, 2005, Rules and Operations Committee agenda; motion seconded.

Councilmembers Gelman, Lee and Muri spoke in support of the legislative bills.

The motion passed on a voice vote.

2. EXECUTIVE SESSION:

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.

Gross explained the Executive Session is authorized under RCW 42.30.101(i), and suggested a time of 30 minutes for the Executive Session.

Lee announced the Executive Session will end at 4 p.m. At 3:35 p.m. the Council convened into Executive Session; at 4 p.m. the Council business meeting reconvened and Lee

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announced the Executive Session will conclude at 4:30 p.m.
At 4 p.m. the Council reconvened into Executive Session;
at 4:30 p.m. the Council business meeting reconvened.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at
4:30 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Shawn Bunney, Council Chair

Date Approved

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