

MINUTES
PIERCE COUNTY COUNCIL MEETING
March 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, Calvin Goings, Terry Lee, and Dick Muri.

Council Staff Present: Paul Bocchi, Budget Legislative Analyst; Jeff Cox, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Clerks; and Tom Weber, Administrator for Research and Policy.

There were 16 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

a. Approval of Minutes

1. The minutes of the March 6, 2007, regular Council meeting

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

1. Proposal No. 2007-3, An Ordinance of the Pierce County Council Amending the Pierce County Code, Chapter 18A.75, "Pierce County Development Regulations – Zoning," to Create a New Type of Planned Unit Development Called Major Institution Master Plan (MIMP) and Establish a Review Process and Required Findings for the Approval of a MIMP; Adopting Findings of Fact; and Setting an Effective Date.

Sponsored by: Councilmember Calvin Goings
Department contact person: Sean Gaffney, Planning and Land Services,
(253) 798-2724
Council contact person: Hugh Taylor, (253) 798-3665
Committee recommendation: Do Pass at Community Development
on February 26, 2007
Suggested date of Council hearing: April 17, 2007

2. Proposal No. 2007-13, An Ordinance of the Pierce County Council Documenting the Adopted Prior Amendment of Comprehensive Plan Maps Contained in Pierce County Code Section 19A.30.010, Urban Growth Areas, Section 19A.30.170, Open Space, and Section 19A.30.230, Comprehensive Plan Land Use Designations Map.

Sponsored by: Councilmember Calvin Goings
Council contact person: Anna Graham, (253) 798-6253
Committee recommendation: Do Pass at Community Development
on March 5, 2007
Suggested date of Council hearing: April 17, 2007

3. Proposal No. 2007-18, An Ordinance of the Pierce County Council Proposing Amendments to the Pierce County Charter to Make the Sheriff a Nonpartisan Position; Requesting the Auditor to Submit these Amendments to the Voters at the November 2007 General Election; and Requesting the Prosecuting Attorney to Draft an Appropriate Ballot Title.

Sponsored by: Pierce County Council
Council contact person: Susan Long, (253) 798-6068
Committee recommendation: Do Pass at Public Safety and Human
Services on February 27, 2007
Suggested date of Council hearing: April 17, 2007

4. Proposal No. 2007-21, An Ordinance of the Pierce County Council Ratifying the Collective Bargaining Agreement Reached with the Pierce County Deputy Sheriff's Independent Guild, Local No. 1889 Community Service Officers; and Amending the Pierce County Salary Classification Plan.

Sponsored by: Councilmember Calvin Goings
Department contact person: Brent Long, Budget and Finance,
(253) 798-3441
Council contact person: Paul Bocchi, (253) 798-7304
For referral to the Rules and Operations Committee
Suggested date of Council hearing: April 10, 2007

5. Proposal No. 2007-22, An Ordinance of the Pierce County Council Repealing Resolution No. 7486 Which Prohibits the Discharge of Firearms in the La Grande Vicinity.

Sponsored by: Councilmember Roger Bush
Council contact person: Thomas Weber, (253) 798-6067
For referral to the Public Safety and Human Services Committee

6. Proposal No. 2007-23, An Ordinance of the Pierce County Council Amending Chapter 14.16 of the Pierce County Code, "Pierce County Fair," by Increasing Concession Booth Rates.

Sponsored by: Councilmember Roger Bush
Council contact person: Paul Bocchi, (253) 798-7304
For referral to the Rules and Operations Committee

7. Proposal No. 2007-20s, An Ordinance of the Pierce County Council Finding the Proposed Non-Exclusive Cable Television Franchise to the City of Tacoma, Department of Public Utilities, Light Division, Click! Network for a Cable System in Pierce County to be in the Public Interest; Setting Forth Terms and Conditions Accompanying the Granting of the Franchise; Providing for the Regulation of Construction, Operation, Maintenance, and Use of the System; 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 Roger Bush
Department contact person: Skip Stansbury, Executive, (253) 798-7477
Council contact person: Thomas Weber, (253) 798-6067
Committee recommendation: Do Pass as Substitute at Economic and Infrastructure Development March 20, 2007
Suggested date of Council hearing: April 24, 2007

8. Proposal No. 2006-66s, An Ordinance of the Pierce County Council Declaring Certain County-Owned Real Property as Surplus, Located off 144th Street NW and Peacock Hill Avenue NW, in the Gig Harbor Area (Commonly Referred to as the Peacock Hill Property); Authorizing the County Executive to Pursue Disposal of the Property, Pursuant to Pierce County Code 2.110; and Expressing Council Intent Regarding the Use of Proceeds from Any Sale.

Sponsored by: Councilmember Shawn Bunney
Department contact person: Hollie Rogge, Facilities Management, (253) 798-6364
Council contact person: Thomas Weber, (253) 798-6067
Committee recommendation: Do Pass as Substitute at Rules and Operations on February 26, 2007
Suggested date of Council hearing: April 17, 2007

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

1. Proposal No. R2007-13, A Resolution of the Pierce County Council Accepting the Pierce County Government Economic Action Agenda.

Sponsored by: Councilmember Shawn Bunney
Department contact person: Denise Dyer, Economic Development,
(253) 798-6926
Council contact person: Paul Bocchi, (253) 798-7304
Committee recommendation: Do Pass at Economic and Infrastructure
Development on March 6, 2007
Suggested date of Council hearing: April 3, 2007

2. Proposal No. R2007-33, A Resolution of the Pierce County Council Authorizing the Expenditure of up to \$400,000 Identified in the Superior Court Budget for Drug Court Drug Treatment Programs Including the Prometa Treatment Protocols.

Sponsored by: Councilmember Barbara Gelman
Council contact person: Carolyn Pendle, (253) 798-3631
For referral to the Public Safety and Human Services Committee
To be heard by the Public Safety and Human Services Committee
on March 27, 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

1. A message from the Executive transmitting the following Ordinances, which were approved and signed on March 8, 2007, was read into the record:

Ordinance No. 2007-1, An Ordinance of the Pierce County Council Amending Chapter 8.08 of the Pierce County Code to Add a New Section 8.08.075, Special Assessment and Lien for Recovery of Costs; Providing for a Special Assessment and Lien for the Recovery of Pierce County's Nuisance Abatement Costs, Pursuant to Revised Code of Washington 36.32.120(10).

Ordinance No. 2007-17, An Ordinance of the Pierce County Council Ratifying the Collective Bargaining Agreement Reached with Council 2, Washington State Council of County and City Employees, American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO, Local 120 – General Unit, and Amending the Pierce County Salary Classification Plan.

Ordinance No. 2007-19, An Ordinance of the Pierce County Council Ratifying the Collective Bargaining Agreement Reached with Council 2, Washington State Council of County and City Employees, American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO, Local 3752 – Pierce County Corrections and Detention Center Non-Uniformed Group (Local 3752 CN); and Amending the Pierce County Salary Classification Plan.

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

Proposal No. R2007-27, A Resolution of the Pierce County Council Appointing Doug Skelley to the Board of Commissioners of Pierce County Drainage District No. 21.

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

Staff Testimony

Weber report the Proposal confirms the appointment to the Board of Commissioners of Pierce County Drainage District No. 21.

Lee thanked the Skelley for his willingness to serve on the Board.

Lee called for public testimony; there was no response. Lee called for Councilmember comments; there was no response.

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

Proposal No. R2007-29, A Resolution of the Pierce County Council Confirming the Appointment of Two New Members to the Pierce County Landmarks Commission. (Robert Peters and Linda Reid)

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

Lee called for public testimony; there was no response. Lee called for Councilmember comments; there was no response.

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

Proposal No. R2007-30, A Resolution of the Pierce County Council Confirming the Reappointment of One Regular Member to the Board of Equalization. (Karen L'Allier)

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

Lee called for public testimony; there was no response. Lee called for Councilmember comments; there was no response.

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

Proposal No. R2007-31, A Resolution of the Pierce County Council Confirming the Reappointment of One Existing Member to the Parkland-Spanaway-Midland Land Use Advisory Commission. (Ronald Jorgenson)

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

Lee called for public testimony; there was no response. Lee called for Councilmember comments; there was no response.

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

VIII. Ordinances

Proposal No. 2006-136, An Ordinance of the Pierce County Council Finding that Acquisition of Certain Real Property for the 176TH Street East and 14th 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 Horsemans Tacoma Unit #1 Parcel).

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

Staff Testimony

Weber informed the Council that the legal description contained in the Proposal is incorrect. Weber explained that Phil Prettyman, Deputy Prosecuting Attorney, requested the Proposal be postponed indefinitely to allow time for the legal description to be written.

Goings moved that Proposal No 2006-136 be postponed indefinitely; motion seconded and passed.

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.

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

Staff Testimony

Weber reported the Proposal received a do pass recommendation by the Rules and Operations Committee on January 29, 2007.

Lee called for public testimony; there was no response. Lee called for Councilmember comments; there was no response.

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

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

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

Staff Testimony

Weber reported the Proposal received a do pass recommendation by the Rules and Operations Committee on January 29, 2007.

Julia Aiyang Park, Planning and Land Services, provided information on the Proposal.

Public Testimony

Nancy White testified to the Proposal.

Farrell thanked White for her stewardship of the historic property.

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

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

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

Staff Testimony

Bocchi provided information on the Proposal and explained the budget provisos. The Proposal received a do pass recommendation by the Rules and Operations Committee on February 5, 2007.

Lee called for public testimony; there was no response. Lee called for Councilmember comments; there was no response.

The Proposal was adopted on a roll call vote of six to one; Bunney voted nay.

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

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

Staff Testimony

Matt Temmel, Performance Audit Department, explained the Proposal allows general updating to the Performance Auditing chapter of the Code.

Goings moved Council Amendment #1 on celery; motion seconded. A copy of the amendment is identified as Attachment I to these minutes.

Temmel explained the technical amendment.

Lee called for public testimony on the amendment; there was no response. Lee called for Councilmember comment on the amendment; there was no response.

The motion passed.

Goings moved Council Amendment #2 on pink; motion seconded. A copy of the amendment is identified as Attachment II to these minutes.

Temmel provided information on the amendment.

Public Testimony on Council Amendment #2

Tom Larkin, Superior Court Judge; Craig Adams, Deputy Prosecuting Attorney; Pat Kenney, Director of Budget and Finance testified to the amendment.

Following discussion whether or not to hold the Proposal over, Goings moved that Council Amendment #2 be tabled; motion seconded and passed.

Goings moved to continue the Proposal to the April 10, 2007, 3:00 p.m. Council meeting in the Council Chambers; motion seconded.

Long and Temmell will work with entities to learn of their concerns.

Bunney requested to be point person on the issue.

IX. Resolutions - None

X. Other Business/Announcements - None

XI. Citizens' Forum

1. Bill Beecher, Narrows Bridge Lights Organization, requested the Council's support for the lights to remain on the new bridge and be installed on the old bridge.

Lee informed Beecher that Council staff is currently preparing a Proclamation on the issue.

Muri requested Beecher contact the City of University Place and the Town of Steilacoom regarding obtaining their support of the lighting project. Muri offered his assistance to Beecher in contacting these entities.

2. Hakeem Shakoor, Maulizo, explained that the company offers a free youth resource listing service via the Web. A copy of his material is contained in the Clerk's meeting file.

XII. Adjournment

There being no further business, the meeting was adjourned at 3:45 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Terry Lee, Council Chair

Date Approved

Pierce County

Office of the County Council

930 Tacoma Avenue So., Room 1046
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ATTACHMENT I

February 13, 2007

COUNCIL AMENDMENT NO. 1 Celery

TO: Councilmembers

FROM: Susan Long, Legal Counsel
Matt Temmel, Performance Audit Coordinator

SUBJECT: **PROPOSED AMENDMENTS TO ORDINANCE NO. 2007-9
(PERFORMANCE AUDITING)**

We recommend the following amendments to Proposed Ordinance No. 2007-9:

1. On page 1 of 2 of the Ordinance, line 17, amend the Section reference to read as follows:
"Section 2.20(1)(f)".
2. On page 1 of 5 of Exhibit A, beginning on line 14 and again at the beginning of each referenced Section, renumber Section "~~1.26.030~~" to "**1.26.020**", renumber Section "~~1.26.040~~" to "**1.26.030**", renumber Section "~~1.26.050~~" to "**1.26.040**", and renumber Section "~~1.26.060~~" to "**1.26.050**".
3. On page 4 of 5 of Exhibit A, line 21, add new subsections 12 and 13 to read as follows and renumber the remaining subsections accordingly:
"12. Transmit completed audit reports to the Council;
13. Consistent with Charter requirements, coordinate with the Council so that an evening public hearing can be scheduled within 90 days of the completion of a performance audit to present, review, and allow discussion of action plans developed to respond to audit findings and recommendations;"

lm

c: Denise Johnson, Clerk of the Council

Pierce County

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ATTACHMENT II

SHAWN BUNNEY
District No. 1

April 26, 2007

COUNCIL AMENDMENT NO. 2 Pink

TO: Councilmembers

FROM: Councilmember Shawn Bunney

SUBJECT: **PROPOSED AMENDMENT TO ORDINANCE NO. 2007-9
(PERFORMANCE AUDITING)**

I recommend the following amendment to Proposed Ordinance No. 2007-9:

1. On page 4 of 5 of Exhibit A, lines 22-25, amend subsection 13. to read as follows:

"13. Have access to all books, electronic records, records, and data of all County departments **and other entities funded in the Pierce County budget** in whatever media they may be kept; provided that in examining the records, electronic records, books, and data, ~~of departments~~ the Performance Audit Coordinator shall preserve the confidentiality of all information as required; and"

lm

c: Denise Johnson, Clerk of the Council

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