

MINUTES
PIERCE COUNTY COUNCIL MEETING
APRIL 10, 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; Anna Graham, Senior Legislative Analyst; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Clerks; Karen Lease-Smith, Councilmember Assistant; and Hugh Taylor, Senior Legislative Analyst.

There were approximately 60 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.

The Chair announced Section XI. will be heard before Section X. on today's agenda.

V. Consent Agenda

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

a. Approval of Minutes

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

1. Proposal No. 2007-31, An Ordinance of the Pierce County Council Amending Ordinance No. 2006-115s by Correcting and Amending Certain of Its Provisions.

Sponsored by: Councilmember Terry Lee
Council contact person: Susan Long, (253) 798-6068
For referral to the Rules and Operations Committee

2. Proposal No. 2007-32, An Ordinance of the Pierce County Council Amending Chapter 14.08 of the Pierce County Code, "Park Code".

Sponsored by: Councilmember Barbara Gelman
Department contact person: Gerald Lawrence, Sheriff, (253) 798-3859
Council contact person: Susan Long, (253) 798-6068
For referral to the Public Safety and Human Services Committee

3. Proposal No. 2007-33, An Ordinance of the Pierce County Council Amending the Pierce County Code, Section 1.16.120, "Monetary Penalties – Restitution".

Sponsored by: Councilmember Barbara Gelman
Department contact person: Gerald Lawrence, Sheriff, (253) 798-3859
Council contact person: Susan Long, (253) 798-6068
For referral to the Public Safety and Human Services Committee

4. Proposal No. 2007-34, An Ordinance of the Pierce County Council Adopting Amendments to Title 20 of the Pierce County Code, "Shoreline Management Use Regulations", Establishing Interim Regulatory Requirements for Geoduck Aquacultural Operations and Other Aquaculture Practices; Establishing Interim Regulatory Requirements for Piers, Docks, and Related Structures; Setting an Effective Date; Providing for the Sunset of the Interim Requirements Upon the Implementation of the Comprehensive Update to the Pierce County Shoreline Master Program; and Adopting Findings of Fact.

Sponsored by: Councilmember Terry Lee
Department contact person: Mike Erkinen, Planning and Land Services, (253) 798-2705
Council contact person: Hugh Taylor, (253) 798-3665
For referral to the Community Development Committee
To be heard in the Community Development on May 7, 2007

5. Proposal No. 2007-35, An Ordinance of the Pierce County Council Vacating a Portion of Spokane Avenue and Puget Avenue located in the Plat of Delano Beach Park in the Northeast Quarter of Section 1, Township 20 North, Range 1 West of the Willamette Meridian, in the Key Peninsula South Area.

Sponsored by: Councilmember Terry Lee
Department contact person: Jerry West, Public Works and Utilities, (253) 798-3687
Council contact person: Hugh Taylor, (253) 798-3665
For referral to the Economic and Infrastructure Development

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

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. R2007-43, A Resolution of the Pierce County Council Recognizing and Honoring Graham's Georgia Sanz Daniels for Being the Nation's Fastest Female Stairclimbing Firefighter.

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

Gary Frantz, Deputy Fire Chief, thanked the Council for the Proclamation, and he introduced Georgia Sanz Daniels to the Council.

Chris Howard, The Leukemia & Lymphoma Society, spoke to Daniels accomplishments.

Georgia Sanz Daniels thanked the Council for the Proclamation.

Wilma Comenaut, The Leukemia & Lymphoma Society, thanked Daniels for her accomplishment.

Councilmembers congratulated Daniels on her accomplishment for participating in the 21st Annual Big Climb for Leukemia event,

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

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

Daniels accepted the Proclamation.

Proposal No. R2007-44, A Resolution of the Pierce County Council Confirming the Reappointment of Three Members to the Pierce County Airport/Thun Field Advisory Commission (Jeffrey Pratt, Michael Carson and Elizabeth "Betsy" Stubbs).

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

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

Farrell spoke in support of Stubbs' reappointment.

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

VIII. Ordinances

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 Coordinator, summarized the Proposal amendment that passed at the March 20, 2007 Council meeting. Temmel informed the Council that he met with the Courts to discuss the Proposal, and clarified that Council Amendment No. 2 on pink tabled at the March 20 meeting is not needed. A copy of the amendment is identified as Attachment I to these minutes.

Having being the maker of the motion at the March 20 Council meeting, Goings moved to withdraw Council Amendment No. 2; motion seconded. Council Amendment No. 2 was not offered at today's meeting.

Goings moved Council Amendment No. 3 on blue; motion seconded. A copy of the amendment is identified as Attachment II to these minutes.

Temmel explained the amendment.

Public Testimony on Amendment No. 3

Randy Boss and Alton McDonald spoke to the amendment.

Temmel responded to Farrell's question regarding having the words "governmental" entities being removed from the proposed amendment. Temmel spoke to the pros and cons of the word "governmental" being left in.

Muri spoke in support of the amendment as proposed.

The motion passed.

Goings moved Council Amendment No. 4 on yellow; motion seconded. A copy of the amendment is identified as Attachment III to these minutes.

Temmel explained the intent of the amendment.

Public Testimony on Amendment No. 4

Randy Boss testified on the amendment.

The Chair called for Council comments on the amendment; there was no response.

The motion passed.

Public Testimony on Proposal No. 2007-9 as Amended

Randy Boss and Alton McDonald testified to the amended Proposal.

At the Chair's request, Temmel responded to the public comments by addressing how the amendments will allow him to conduct his duties, and explaining that the Proposal is not being rushed by the Council.

Councilmembers Muri and Goings provided comments in support of the Proposal.

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

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.

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

Staff Testimony

Bocchi explained the Proposal and noted the fiscal impact is \$29,740. Bocchi reported the Proposal received a do pass recommendation by the Rules and Operations Committee on April 2, 2007.

Joe Carrillo, Human Resources, explained the Proposal is for a standard contract.

Public Testimony

Alton McDonald testified to the Proposal.

At the Chair's request, Carrillo responded to McDonald's comments on Sheriff's vehicle being used outside the County.

Muri informed McDonald that Section 6.9 of the contract addresses employees' use of law enforcement vehicles.

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

IX. Resolutions

Proposal No. R2007-16s2, A Resolution of the Pierce County Council Initiating Amendments to the Comprehensive Plan for Pierce County for the 2007 Plan Amendment Cycle; Confirming the Initiation of Amendments by the County Executive, Cities and Towns; and Requesting the Planning and Land Services Department to Conduct an Environmental Review and Evaluation of the Initiated Amendments and Forward the Associated Reports to the Planning Commission and Affected Land Use Advisory Commissions for Review and Recommendation Back to the County Council.

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 Community Development Committee on February 26, 2007. Graham explained the Proposal amendments to the Comprehensive Plan. She informed the Council that Exhibit B was initiated by the Executive, Exhibit C was initiated by the cities and towns, and Exhibit A was initiated by the County Council and it includes the applications recommended for approval. Graham noted 21 applications were received; 14 were approved. Graham explained the criteria to have the Plan amendments approved and the process after passage of the Proposal.

Goings moved Council Amendment No. 1 on yellow; motion seconded. A copy of the amendment is identified as Attachment IV to the minutes.

Graham explained the technical amendment.

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

The motion passed.

Goings moved Council Amendment No. 2 on blue; motion seconded. A copy of the amendment is identified as Attachment V to the minutes.

Graham explained the specifics to the amendment.

Goings commented that his concerns have been addressed, and he complemented Bush on his work with the Proposal.

Denise Dyer, Economic Development, expressed her concerns with the amendment.

Public Testimony on Council Amendment No. 2

Testimony was provided by the following: Joseph Price, Shady Acres Airport Representative; Elizabeth Warman, Boeing Company; Betsy Stubbs; Derrick Urquhart, Port of Tacoma; Tim Wisdom,/Frederickson Power; Ed Schild, Puget Power (handout in Ordinance file); John Austin, Tori's Components; Susan Suess, Economic Deveo9pment Board of Pierce County; Paul Ellis Tacoma-Pierce County Chamber of Commerce; Barbara Guller; Kerri Wochler, Washington State Department of Transportation - Aviation Division; Bud Rehberg, Graham Community Board; Randy Boss; Wayne Carlsteen; and Alton McDonald.

Lee explained that there will be additional hearings on the Shady Acres Plan amendment at a later date.

Councilmembers Muri, Bunney, Bush, and Gelman provided comments in support of the amendment. Farrell expressed his concerns with the amendment.

The motion passed on a voice vote; Farrell voted no.

Goings moved Council Amendment No. 3 on green; motion seconded. A copy of the amendment is identified as Attachment VI to these minutes.

Graham provided information on the technical amendment.

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

The motion passed on a voice vote

Graham explained the process for individuals to notified of future hearings on the Comprehensive Plan amendments.

Public Testimony on Amendment No. 3

John Merriman; and Tim Verzal, Eatonville Collision, testified to the amendment.

At the Chair's request, Graham responded to Verzal's comment, and she informed the Council that a letter regarding his issue is in the Proposal file.

Councilmembers Goings, Muri and Gelman responded to the testimony.

The Proposal passed as amended on a roll call vote of six to one (Goings voted nay).

Proposal No. R2007-33s, 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, and \$210,000 in the Juvenile Court Budget for Family Dependency Drug Court.

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

Staff Testimony

Pendle explained the budget provisos of the Proposal, and noted the Proposal is the final step to address the original provisions. Pendle provided background on the experimental addiction-treatment program. Pendle reported the Proposal received a do pass recommendation by the Public Safety and Human Services Committee on March 27, 2007. Pendle spoke to the received correspondence on the Prometa Treatment program and she spoke to the risk provisions.

Lyle Quasim, Chief of Staff, provided information on the Prometa drug program. In response to Gelman's question, Quasim informed the Council that results of those who had and those who had not had Prometa will be available after the program is in place.

In response to Councilmember questions, Terri Schmidt-Whalen, Pierce County Alliance, explained how the original program was funded, spoke to the program start up costs provided information on the doctors used in the program to provide the services, and spoke to the Alliance providing outcome on the testing. James Boyle, Deputy Director of Pierce County Alliance, spoke to the contract used by doctors for the Prometa program.

Public Testimony

Alton McDonald testified to the Proposal.

At the Chair's request, Schmidt-Whalen responded to McDonald's comments by addressing what type of drug users have been treated with Prometa, and she explained the program protocol guidelines.

Councilmembers Muri, Bush, Bunney, Gelman, and Farrell provided final comments on the Proposal.

The Proposal was adopted on a roll call vote of five to two (Bunney and Muri voted nay).

Without objection from Council, Lee advanced to Section XI on today's agenda.

XI. Citizens' Forum

1. Randy Boss congratulated the Council on its recent adoption of the Narrows Bridge Lighting Project Resolution. Boss spoke to having the Council hire an ombudsman position to calm citizen's suspicion of the County.
2. John Merriman spoke to having a grievance position in the County, and to the shortage of land in Pierce County.
3. Alton McDonald spoke having a public access channel, and to the building rental costs for the Crystal Judson Family Justice Center.

The Chair returned to the regular order of the business meeting.

X. Other Business/Announcements

1. Executive Session:

Discussion of pending litigation pursuant to Revised Code of Washington (RCW) 42.30.110(1)(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.

Long read RCW 42.30.110(1)(i) into the record.

Lee announced the Council will be in Executive Session for 15 minutes.

At 5:50 p.m. the Council convened into Executive Session and the business meeting went off the record. At 6:05 p.m. the Council went back on the record to conclude Executive Session and return to the business meeting.

XII. Adjournment

There being no further business, the meeting was adjourned at 6:05 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

SHAWN BUNNEY
District No. 1

May 9, 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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Pierce County

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ATTACHMENT II

May 9, 2007

COUNCIL AMENDMENT NO. 3 Blue

TO: Councilmembers

FROM: Councilmembers Shawn Bunney and Dick Muri

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

We 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 governmental 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 provided that access to the information is allowed by state and federal law; and"

2. On page 4 of 5, lines 37-40, amend subsection 2. to read as follows:

"2. Have access to all books, electronic records, records, and data of all County departments and other governmental 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 provided that access to the information is allowed by state and federal law; and"

lm

c: Denise Johnson, Clerk of the Council

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Clerk Note: Regarding Item No. 2 above, the Code currently reads "the contractor" shall preserve the confidentiality ..." It was not the intent of this amendment to replace "the contractor" with "the Performance Audit Coordinator." This was a typo in the amendment memo and the Code will continue to read "the contractor".

Pierce County

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ATTACHMENT III

Dick Muri
Councilmember, District No. 6

May 9, 2007

COUNCIL AMENDMENT NO. 4 Yellow

TO: Councilmembers

FROM: Councilmember Dick Muri

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, line 31, replace the words "~~retained by the County~~" with "**selected**".

Rationale

The phrase now says that performance audit contractors are "retained by the County." That could be interpreted to conflict with the requirement (stated on page 3 of 5, lines 2-3) that the Performance Audit Committee is to acquire performance audit contractors by a competitive solicitation process.

lm

c: Denise Johnson, Clerk of the Council

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Pierce County

ATTACHMENT IV

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
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1-800-992-2456
www.piercecountywa.org/council

April 10, 2007

Council Amendment No. 1
yellow

TO: Councilmembers

FROM: Staff

SUBJECT: Proposed Amendment to Proposal No. R2007-16s2

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1. On page 1 of Exhibit A, in the Map Amendments section, the row for “PA-4, Plateau 465,” after “Cascadia area” insert “, with supplemental materials submitted by April 10, 2007.”
2. On page 1 of Exhibit B, in the Text Amendments section, after “Technical Text Amendments”, insert “, including an update to the Housing Element.”
3. On page 1 of Exhibit B, in the Areawide Map Amendments section, correct the spelling of “Investco”.
4. Attach the supplemental materials for PA-4 to the Resolution for transmittal to the Planning Commission.

Attachments

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Pierce County

ATTACHMENT V

930 Tacoma Avenue South, Room 1046
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April 6, 2007

Council Amendment No. 2
blue

TO: Councilmembers
FROM: Councilmember Roger Bush
SUBJECT: Proposed Amendment to Proposal No. R2007-16s2

1. On page 1 of Exhibit A, in the Community Plan Amendments section, the row for PA-6, Johnson, after “South Hill Community Plan” insert “, as shown in revised application dated April 10, 2007.”
2. On page 1 of Exhibit A, in the Combined Amendments section, the row for PA-7, Shady Acres, remove the existing row and replace with the following:

PA-7	Council – Airports: Shady Acres, Swanson Field (Eatonville area), and Ranger Creek State	MAP: Add airport overlays (and overlay zoning) to parcels adjacent to public-use airports (Shady Acres, Swanson Field, and Ranger Creek State) based on site-specific analysis of airport facilities and activities. Spanaway Airport is excepted due to the vested residential development application. See revised application dated April 10, 2007.
		COMMUNITY PLAN: Add policies and standards specific to the Shady Acres Airport and related airport overlay in the Frederickson and Graham Community Plans
		TEXT: Modify Comprehensive Plan policies, as appropriate to address the public-use airports.

3. Attach the revised applications for PA-6 and PA-7 to the resolution for transmittal to the Planning Commission.

Pierce County

ATTACHMENT VI

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
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April 10, 2007

Council Amendment No. 3
green

TO: Councilmembers

FROM: Councilmembers Calvin Goings and Roger Bush

SUBJECT: Proposed Amendment to Proposal No. R2007-16s2

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1. On page 1 of Exhibit A, in the Map Amendments section, the row for PA-5, O.B. Puyallup Properties, after “Meridian in South Hill”, insert “, with the revised memo regarding suggested uses dated April 10, 2007.”
2. Attach the revised Memo from Anna Graham regarding suggested uses to the application for PA-5 to be transmitted with the resolution to the Planning Commission.

Attachments

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