

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MAY 24, 2005**

930 TACOMA AVENUE SOUTH, ROOM 1045
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 3:00 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: Roger Bush, Timothy M. Farrell, Calvin Goings, Terry Lee, Dick Muri, and Shawn Bunney. Barbara Gelman was excused at the time of the roll call.

Council Staff Present: Susan Long, Administrator for Legal and Operations; Jenifer Schultz, Acting Clerk of the Council; Tom Weber, Administrator for Research and Policy; Steve Gross, Deputy Legal Counsel; and Carolyn Pendle, Research Analyst.

There were 12 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
 1. The Minutes of the May 10, 2005, regular Council meeting.

- b. Action on Ordinances (refer, set date of hearing)
1. PROPOSAL NO. 2005-33, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING TWO NEW SECTIONS 3.12.035 AND 3.12.125 OF THE PIERCE COUNTY CODE, CODE OF ETHICS, TO SET POLICY FOR ADVISORY OPINIONS AND HANDLING OF RECORDS; AND AMENDING SECTIONS 3.12.030, 3.12.060, 3.12.070, 3.12.080, 3.12.090, 3.12.100, 3.12.110, AND 3.12.120 OF THE PIERCE COUNTY CODE TO REVISE THE HEARING OFFICER AND COMMISSION'S POWERS AND FUNCTIONS, ENFORCEMENT PROCEDURES, AND PENALTIES.
Sponsored by: Councilmember Shawn Bunney
Contact person: Diane Braaten, 798-7477
For referral to the Rules and Operations Committee
 2. PROPOSAL NO. 2005-34, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATING TO BOAT MANAGEMENT, AMENDING TITLE 19D, (OTHER COMPREHENSIVE PLANNING DOCUMENTS) OF THE PIERCE COUNTY CODE BY ADOPTING A NEW CHAPTER 19D.260 (LAKE TAPPS BOAT MANAGEMENT PLAN), AND SETTING AN EFFECTIVE DATE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Katherine Brooks, 798-3181
For referral to the Public Safety and Human Services Committee
To be heard in the Public Safety and Human Services Committee on June 14, 2005
Suggested date of Council hearing: June 21, 2005
 3. PROPOSAL NO. 2005-35, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE LAKE TAPPS BOAT MANAGEMENT PLAN; ADDING "VESSELS" AS A SOURCE OF PUBLIC NUISANCE NOISE, AMENDING CHAPTER 8.72 (MOTOR VEHICLES, PUBLIC DISTURBANCE) OF PIERCE COUNTY CODE AND SETTING AN EFFECTIVE DATE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Katherine Brooks, 798-3181
For referral to the Public Safety and Human Services Committee
To be heard in the Public Safety and Human Services Committee on June 14, 2005
Suggested date of Council hearing: June 21, 2005
 4. PROPOSAL NO. 2005-36, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE LAKE TAPPS BOAT MANAGEMENT PLAN; ESTABLISHING A SPEED LIMIT ON CLASS "A" LAKES, LIMITING "RAFTING" ON LAKE TAPPS,

AMENDING CHAPTER 8.88 (WATERCRAFT REGULATIONS) OF THE PIERCE COUNTY CODE, AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmember Shawn Bunney
Contact person: Katherine Brooks, 798-3181
For referral to the Public Safety and Human Services Committee
To be heard in the Public Safety and Human Services Committee on June 14, 2005
Suggested date of Council hearing: June 21, 2005

5. PROPOSAL NO. 2005-41, 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. OS80-04, KAREL AND LIBA PELTRAM - GRAHAM AREA; APPLICATION NO. OS93-04, JERRIE L. AND SALLY EATON TRUST - EATONVILLE AREA)

Sponsored by: Councilmember Calvin Goings
Contact person: Chad R. Williams, 798-3683
For referral to the Rules and Operations Committee
Suggested date of Council hearing: June 21, 2005

6. PROPOSAL NO. 2005-42, 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. OST81-04, JAMES D. AND DIEUTAM D. CHRISTIAN - WILLOW LAKE AREA; APPLICATION NO. OST82-04, ALAN K. AND DEBRA M. WILLOUGHBY - SILVER LAKE HIGHLANDS AREA; APPLICATION NO. OST83-04, JOHN S. CLAYTON - FOREST GROVE AREA; APPLICATION NO. OST84-04, DAVID R. BRAMSCHE - TULE LAKE AREA; APPLICATION NO. OST85-04, JEFFREY A. AND PAULA R. PIELAK - FOREST GROVE AREA; APPLICATION NO. OST86-04, EUGENE J. AND KAREN C. FREEMON - TULE LAKE AREA; APPLICATION NO. OST87-04, ALLAN J. AND PAMELA W. BENNETT - HIGHLAND MEADOWS AREA; APPLICATION NO. OST88-04, ROBERT G. AND NANCY E. LOISELLE - HIGHLAND MEADOWS AREA; APPLICATION NO. OST89-04, MARK H. BOYD AND ISABEL M. KALOCSAY - FOREST GROVE AREA)

Sponsored by: Councilmember Calvin Goings

Contact person: Chad R. Williams, 798-3683
For referral to the Rules and Operations Committee
Suggested date of Council hearing: June 21, 2005

7. PROPOSAL NO. 2005-43, 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. OST90-04, MARK H. BOYD AND ISABEL M. KALOCSAY - WILLOW LAKE AREA; APPLICATION NO. OST91-04, HIRO TSUJI AND JAMES KNOPELL - HIGHLAND MEADOWS AREA; APPLICATION NO. OST92-04, DONALD AND MARGARET SCHULER - WILLOW LAKE AREA; APPLICATION NO. OST94-04, ROBERT WEISBECKER - EATONVILLE AREA; APPLICATION NO. OST95-04, KEVIN W. MOSS - ORTING AREA; APPLICATION NO. OST96-04, BRUCE STELMAR - HIGHLAND MEADOWS AREA; APPLICATION NO. OST97-04, JOHN AND DANIELLE SAWYER - SILVER LAKE HIGHLANDS AREA; APPLICATION NO. OST98-04, RANDAL AND PAULA M. RANSOM - FOREST GROVE AREA; APPLICATION NO. OST99-04, RANDALL J. REDDING AND JANET T. CLARKE - HIGHLAND MEADOWS AREA)

Sponsored by: Councilmember Calvin Goings
Contact person: Chad R. Williams, 798-3683
For referral to the Rules and Operations Committee
Suggested date of Council hearing: June 21, 2005

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

1. PROPOSAL NO. R2005-71, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING TWO MEMBERS TO THE EXECUTIVE BOARD OF THE TACOMA-PIERCE COUNTY FAMILY JUSTICE CENTER, AND AMENDING RESOLUTION NO. R2004-173s IN CONNECTION THEREWITH.

Sponsored by: Councilmember Shawn Bunney
Contact person: Steve Gross, 798-7579
For referral to the Rules and Operations Committee
To be heard in the Rules and Operations Committee on
May 31, 2005
Suggested date of Council hearing: May 31, 2005

d. Other Items

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

1. A message from the Executive transmitting the following Ordinances, which were approved and signed on May 11, 2005, was read into the record:

ORDINANCE 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.

ORDINANCE NO. 2005-22, 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. OST72-04, DARREL AND MARIA BROWN - MCKENNA NORTH AREA; APPLICATION NO. OST73-04, REX B. McCRARY FAMILY TRUST - TULE LAKE AREA; APPLICATION NO. OST74-04, NORMAN L. AND BARBARA A. BRANDFAS - HIGHLAND MEADOWS AREA; APPLICATION NO. OST75-04, THOMAS E. AND PATRICIA A. NAUGLE - TULE RIDGE AREA; APPLICATION NO. OST76-04, MICHAEL HENLEY AND THERESA CARNOVALE - WILLOW LAKE AREA; APPLICATION NO. OST77-04, SUSAN B. WINSTON AND MARSHA G. FAULKNER - WILLOW LAKE AREA; APPLICATION NO. OST78-04, BRIAN WESTER AND SYLVIA RUSSELL - HIGHLAND MEADOWS AREA; AND APPLICATION NO. OST79-04, GARY AND LINDA SPRY - HIGHLAND MEADOWS AREA)

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS - None

VIII. ORDINANCES

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.

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

Staff Testimony

Gross stated that Proposal No. 2005-14 was heard before the Economic and Infrastructure Development Committee on April 5, 2005, and received a do pass recommendation.

Farrell asked if the Cornwell-Tideman Road was the only access to adjacent properties.

Bruce Duncan, Public Works and Utilities Department, explained the road vacation, and responded to Farrell's question, stating that Cornwell-Tideman Road is not the only access and it is not used as an access road.

Bunney called for public testimony; there was no response.

The Proposal passed on a roll call vote of five to one; Farrell voted no.

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.

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

Staff Testimony

Gross explained Proposal No. 2005-16 and stated that the proposal was heard before the Economic and Infrastructure Development Committee on April 5, 2005, and received a do pass recommendation.

Bunney called for public testimony; there was no response.

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

PROPOSAL NO. 2005-23, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 18.25 OF THE PIERCE COUNTY CODE (PCC), DEFINITIONS, AND TITLE 18B PCC, DEVELOPMENT REGULATIONS-SIGNS; ADDRESSING MENU READER BOARD SIGNS FOR DRIVE-THROUGH FACILITIES IN COMMUNITY PLAN AREAS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Taylor stated that Proposal No. 2005-23 amends the sign code to address menu reader boards when calculating the amount of allowed signage within the zone classification. Proposal No. 2005-23 was heard before the Community Development Committee on May 23, 2005, and received a do pass recommendation.

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

Lee moved Council Amendment No. 1; motion seconded. Taylor provided an explanation of the amendment. A copy of the amendment is identified as Attachment I attached hereto.

Bunney called for public testimony; there was no response. The amendment passed on a voice vote.

Bunney called for public testimony on the amended proposal; there was no response. The proposal passed as amended on a roll call vote of seven to zero.

PROPOSAL NO. 2005-27, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATING TO CONTRACTING INDEBTEDNESS; PROVIDING FOR THE ISSUANCE, SPECIFYING THE MATURITY DATES, INTEREST RATES, TERMS AND COVENANTS AND FIXING THE FORM OF \$ _____ PAR VALUE LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, 2005; ESTABLISHING A BOND REDEMPTION FUND; APPOINTING A REFUNDING TRUSTEE AND APPROVING A REFUNDING TRUST AGREEMENT; PROVIDING FOR BOND INSURANCE; AND APPROVING THE SALE AND PROVIDING FOR THE DELIVERY OF THE BONDS TO BANC OF AMERICA SECURITIES LLC OF SEATTLE, WASHINGTON.

Lee moved adoption; motion seconded. The Clerk stated that the Department of Budget and Finance will be presenting a substitute document.

Lee withdrew his motion; and Goings withdrew his second.

PROPOSAL NO. 2005-27s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATING TO CONTRACTING INDEBTEDNESS; PROVIDING FOR THE ISSUANCE, SPECIFYING THE MATURITY DATES, INTEREST RATES, TERMS AND COVENANTS AND FIXING THE FORM OF \$38,380,000 PAR VALUE LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, 2005; ESTABLISHING A BOND REDEMPTION FUND; APPOINTING A REFUNDING TRUSTEE AND APPROVING A REFUNDING TRUST AGREEMENT; PROVIDING FOR BOND INSURANCE; AND APPROVING THE SALE AND PROVIDING FOR THE DELIVERY OF THE BONDS TO BANC OF AMERICA SECURITIES LLC OF SEATTLE, WASHINGTON.

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

Staff Testimony

Jack Rusler, Budget and Finance Department, stated that the intent of the proposal is to refinance two sewer revenue bonds and three limited tax general obligation bonds with one new limited tax general obligation bond which will have a lower interest rate than the old bonds. Passage of Proposal No. 2005-27s will save Pierce County a significant amount of money.

Bush asked if there was anything different about the bonds; Rusler stated no and explained the process of negotiating the bonds for competitive sale based on rates. He stated that the sale could have been delayed if the interest rates weren't in the County's favor.

Goings asked Rusler about the fiscal note and asked if there is a difference of approximately \$300,000 in savings. Rusler stated yes.

Farrell thanked Rusler for his good work.

Bunney clarified his understanding of the sale of the bonds.

Rusler confirmed that Bunney's understanding is correct and stated that the bonds are sold and then the Council ratifies the sale.

Bunney asked for an approximate savings. Rusler said the savings is approximately \$2.8 million.

Bunney called for public testimony; there was no response.

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

PROPOSAL NO. 2005-30, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO THE FAMILY JUSTICE CENTER, AUTHORIZING THE EXECUTIVE TO ENTER INTO A JOINT LEASE WITH THE CITY OF TACOMA FOR OFFICE SPACE IN THE BUILDING LOCATED AT 717 TACOMA AVENUE SOUTH, TACOMA WASHINGTON.

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

Staff Testimony

Gross stated that Proposal No. 2005-30 was heard in the Rules and Operations Committee on May 16, 2005, and received a do pass recommendation.

Skip Stansbury, Legal Counsel, County Executive's Office, explained the property location and how the building will house the Pierce County Sheriff's assigned to the Domestic Violence program. This program is modeled by San Diego and will also house the City Attorney and Tacoma Police. Stansbury stated that this is a joint effort with the City of Tacoma.

Lee asked where the City of Tacoma is in the process. Stansbury said they will pass an Ordinance or Resolution at the City Council meeting on June 7, 2005. Lee requested that Stansbury provide notification by email when the City of Tacoma enters into the lease.

Gelman asked about termination provisions in the lease. Stansbury stated that there are no termination provisions contained in the lease document. This means Pierce County can walk away at any time, but would owe the remaining amount of the lease. Stansbury said that the lease is being paid for by a Community Block Grand Fund and if we do not stay five years Pierce County and the City of Tacoma could be required to pay back the block grant funds.

Lee asked if Pierce County were obligated beyond five years and if the lease could be renewed without going back to the bargaining table. Stansbury stated that Pierce County is not obligated beyond five years and can renew the lease without re-bargaining.

At the request of Farrell, Stansbury explained the layout of the facility.

Bunney called for public testimony; there was no response.

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

IX. RESOLUTIONS

PROPOSAL NO. R2005-73, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE HONORING THE CAREER OF MIKE DOBB; COMMENDING AND THANKING HIM FOR HIS YEARS OF DEDICATED SERVICE TO THE PIERCE COUNTY PARKS & RECREATION SERVICES DEPARTMENT; AND WISHING HIM WELL IN HIS RETIREMENT.

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

Bunney called for public testimony.

Staff Testimony:

Jan Wolcott, Director, Parks and Recreation Services Department commended Dobb for his dedication to the Department and his 30 years of services to Pierce County.

Dobb thanked the Council for the proclamation and stated that his 30 years and 70,000 hours of services has come quickly. He talked about the wonderful experience he has had working for Pierce County.

Weber congratulated Dobb on his retirement and wished him well in his new endeavors.

Goings, Lee, Bush, Gelman, Farrell, and Bunney commended Dobb for his dedicated service and stated that Pierce County is a much better place because of Dobb.

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

XI. GENERAL PUBLIC COMMENTS - None

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Lee moved to amend the Council's Meeting Schedule for the week of May 30 - June 3, 2005, to add Proposal No. R2004-71 to the Rules and Operations Committee Agenda for May 31, 2005; motion seconded.

The title reads as follows:

11. PROPOSAL NO. R2005-71, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING TWO MEMBERS TO THE EXECUTIVE BOARD OF THE TACOMA-PIERCE COUNTY FAMILY JUSTICE CENTER, AND AMENDING RESOLUTION NO. R2004-173s IN CONNECTION THEREWITH.

And change the start time of the meeting from 9:00 a.m. to 10:00 a.m.

The motion passed on a voice vote.

XII. ADJOURNMENT

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

Attest:

Jenifer Schultz, Acting Clerk of the Council

Approved:

Shawn Bunney, Council Chair

Date Approved