

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JULY 6, 2004**

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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 3:05 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss, followed by a Moment of Silence in tribute to our men and women in the Military.

III. ROLL CALL

Councilmembers Present: Shawn Bunney, Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, Dick Muri, and Kevin Wimsett.

Council Staff Present: Patty Face, Deputy Clerk; Anna Graham, Research Analyst; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Leslie Swalley, Councilmember Assistant; Hugh Taylor, Research Analyst; and Tom Weber, Administrator for Research and Policy.

There were approximately 25 visitors present.

IV. APPROVAL OF AGENDA

Wimsett 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 23, 2004, District No. 7 Council meeting.
 2. The minutes of the April 20, 2004, Regular Council meeting.

- b. Action on Ordinances (refer, set date of hearing)
 1. PROPOSAL NO. 2004-38, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO BETHEL WATER COMPANY, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON JUNE 15, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)
Suggested date of Council hearing: August 3, 2004

 2. PROPOSAL NO. 2004-39, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO WEATHERSWOOD VISTA WATER DISTRICT, INC., FOR LOCATION OF WATERLINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON JUNE 15, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)
Suggested date of Council hearing: August 3, 2004

 3. PROPOSAL NO. 2004-45, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF SPANAWAY LOOP ROAD SOUTH RIGHT-OF-WAY IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE SPANAWAY AREA.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON JUNE 15, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)
Suggested date of Council hearing: August 10, 2004

4. PROPOSAL NO. 2004-46, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO KAPOWSIN WATER DISTRICT, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON JUNE 15, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)
Suggested date of Council hearing: August 3, 2004
5. PROPOSAL NO. 2004-47, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2. OF ORDINANCE NO. 96-87, WHICH VACATED A PORTION OF 18TH AVENUE NORTHWEST IN SECTION 33, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN THE GIG HARBOR AREA, TO CORRECT THE LEGAL DESCRIPTION CONTAINED THEREIN.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON JUNE 15, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)
Suggested date of Council hearing: August 10, 2004
6. PROPOSAL NO. 2004-48s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING PORTIONS OF 204TH STREET EAST LOCATED IN SECTION 6, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE FREDERICKSON AREA.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
DO PASS AS SUBSTITUTED RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON JUNE 15, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)
Suggested date of Council hearing: August 10, 2004
7. PROPOSAL NO. 2004-56, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); AMENDING TITLE 17A OF THE PIERCE COUNTY CODE, "CONSTRUCTION AND INFRASTRUCTURE REGULATIONS-SITE DEVELOPMENT AND STORMWATER DRAINAGE;" AMENDING THE PIERCE COUNTY STORMWATER MANAGEMENT AND SITE

DEVELOPMENT MANUAL ADOPTED THROUGH ORDINANCE NO. 96-46s2, AS AMENDED; AMENDING TITLE 17B, "CONSTRUCTION AND INFRASTRUCTURE REGULATIONS-ROAD AND BRIDGE DESIGN;" REPEALING TITLE 18E; ADOPTING CHAPTERS 18E.10, "GENERAL PROVISIONS," 18E.20, "USE AND ACTIVITIES," 18E.30, "WETLANDS," 18E.40, "REGULATED FISH AND WILDLIFE SPECIES AND HABITAT CONSERVATION AREAS," 18E.110, "EROSION HAZARD AREAS," AND 18E.120, "GRAPHICS AND FIGURES FOR TITLE 18E," FOR A NEW TITLE 18E, "DEVELOPMENT REGULATIONS-CRITICAL AREAS," CREATED AS AN ELEMENT OF THE DIRECTIONS PACKAGE; ADOPTING CRITICAL AREAS ATLAS MAPS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmember Calvin Goings

Contact person: Hugh Taylor, 798-3665

For referral to the Community Development Committee
To be heard in the Community Development Committee on
July 19, 2004

8. PROPOSAL NO. 2004-57, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); REPEALING TITLE 18E OF THE PIERCE COUNTY CODE; ADOPTING CHAPTERS 18E.50, "AQUIFER RECHARGE AND WELLHEAD PROTECTION AREAS," 18E.60, "VOLCANIC HAZARD AREAS," 18E.70, "FLOOD HAZARD AREAS," 18E.80, "LANDSLIDE HAZARD AREAS," 18E.90, "SEISMIC HAZARD AREAS," AND 18E.100, "MINE HAZARD AREAS" FOR A NEW TITLE 18E, "DEVELOPMENT REGULATIONS-CRITICAL AREAS," CREATED AS AN ELEMENT OF THE DIRECTIONS PACKAGE; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmember Calvin Goings

Contact person: Hugh Taylor, 798-3665

For referral to the Community Development Committee
To be heard in the Community Development Committee on
July 19, 2004

9. PROPOSAL NO. 2004-58, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); AMENDING TITLE 18 OF THE PIERCE COUNTY CODE, "DEVELOPMENT REGULATIONS-GENERAL PROVISIONS;" AMENDING TITLE 18A, "PIERCE COUNTY DEVELOPMENT REGULATIONS-ZONING;" AMENDING TITLE 18B, "DEVELOPMENT REGULATIONS-SIGNS;" AMENDING TITLE 18D, "DEVELOPMENT REGULATIONS-ENVIRONMENTAL;" REPEALING THE EXISTING TITLE 18H AND ADOPTING A NEW TITLE 18H, "DEVELOPMENT REGULATIONS-FOREST PRACTICES AND TREE CONSERVATION;" AMENDING TITLE 18I, "DEVELOPMENT REGULATIONS-NATURAL RESOURCE LANDS;" AMENDING TITLE 18J, "DEVELOPMENT REGULATIONS-DESIGN STANDARDS AND GUIDELINES;" REPEALING THE IMPERVIOUS COVER AND VEGETATION RETENTION STANDARDS IN THE PARKLAND-SPANAWAY-MIDLAND, GIG HARBOR PENINSULA, AND SOUTH HILL COMMUNITY PLAN IMPLEMENTING REGULATIONS IN SECTIONS 18A.35.020, 18J.30.050, 18J.40.060, 18J.50.040 AND 18J.60.050, CONSISTENT WITH SUNSET PROVISIONS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmember Calvin Goings
Contact person: Hugh Taylor, 798-3665
For referral to the Community Development Committee
To be heard in the Community Development Committee on July 19, 2004

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

1. PROPOSAL NO. R2004-96, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPROVING THE PIERCE COUNTY BOARD OF EQUALIZATION'S REQUEST TO CONVENE TO ACT ON TIMELY FILED TAXPAYER PETITIONS WHICH EXCEED THE REQUIREMENTS OF REVISED CODE OF WASHINGTON 84.48.010.
Sponsored by: Councilmember Harold Moss
Contact person: Thomas Weber, 798-6067
For referral to the Rules & Operations Committee
To be heard in the Rules & Operations Committee on July 12, 2004
Suggested date of final Council hearing: July 13, 2004

d. Other Items

Wimsett 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 June 15, 2004, was read into the record:

ORDINANCE NO. 2004-5, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE 2001-99S AND SECTION 4.24.015 D. OF THE PIERCE COUNTY CODE REGARDING EXPENDITURES OF THE SECOND REAL ESTATE EXCISE TAX FOR CAPITAL PARK AND RECREATION PROJECTS.

ORDINANCE NO. 2004-32, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATING TO CONTRACTING INDEBTEDNESS; AUTHORIZING THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION BONDS FOR GENERAL COUNTY PURPOSES TO PROVIDE FUNDS WITH WHICH TO PAY THE COST OF ACQUIRING LAND FOR, AND DESIGNING, CONSTRUCTING, IMPROVING AND/OR EQUIPPING COUNTY PARK AND RECREATION FACILITIES; AND AUTHORIZING THE ISSUANCE OF SHORT-TERM FINANCING PENDING THE ISSUANCE OF SUCH BONDS.

ORDINANCE NO. 2004-37, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2003-103s, WHICH AMENDS TITLE 19A OF THE PIERCE COUNTY CODE, THE PIERCE COUNTY COMPREHENSIVE PLAN; DELETING URBAN GROWTH AREA AMENDMENTS U-5, U-6, U-7, U-8 AND U-9 (BONNEY LAKE AREA) AND RELATED FINDINGS OF FACT; IN RESPONSE TO A PETITION FILED WITH THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD IN "1000 FRIENDS OF WASHINGTON V. PIERCE COUNTY, CASE NO. 04-3-0007c."

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

PROPOSAL NO. R2004-90, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING _____ TO THE POSITION OF WASHINGTON STATE SENATOR REPRESENTING THE 28TH DISTRICT.

Wimsett moved adoption; motion seconded. The Clerk read the title into the record. Muri explained the process of candidate names being provided to the Council.

Mike Carrell, candidate, provided a brief presentation on his qualifications. Candidates Ron Talcott and Pad Finnigan recommended that Carrell be appointed to the 28th District.

Muri moved an oral amendment to insert the name Mike Carrell into the Proposal blanks; motion seconded. Councilmembers spoke in support of the amendment.

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

The Chair called for testimony on the amended Proposal; there was no response. The Proposal was adopted as amended on a roll call vote of seven to zero.

VIII. ORDINANCES

PROPOSAL NO. 2004-34s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING AMENDMENTS TO THE DEVELOPMENT REGULATIONS TO ADDRESS MOTORCYCLE AND MOTOR BIKE TRACKS WHEN ACCESSORY TO RESIDENTIAL USES, NOISE ATTENUATING BARRIERS, AND HORSE BOARDING IN URBAN RESIDENTIAL ZONES; AMENDING PIERCE COUNTY CODE CHAPTERS 18A.15, "DEFINITIONS", 18A.25, "ZONE CLASSIFICATIONS AND USE TABLES", AND 18A.35, "DEVELOPMENT STANDARDS"; ADOPTING A NEW SECTION 18J.15.050 OF THE PIERCE COUNTY CODE, "NOISE ATTENUATING BARRIERS STANDARDS"; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Graham provided background information on the Proposal. She stated the Proposal received a do pass as substituted recommendation by the Community Development Committee on May 24, 2004.

Wimsett acknowledged Moss' departure from the meeting.

Dan Cardwell, Planning and Land Services Department, spoke to three issues addressed in the Proposal, and explained the proposed Council amendments.

Graham and Cardwell responded to Gelman's questions regarding privately owned motor tracks and motor track standards.

Lee moved Council Amendment No. 1 on the orange; motion seconded. A copy of this amendment is included with these minutes as Attachment I.

Graham read the amendment into the record, and explained the technical changes.

Wimsett called for testimony on the amendment; there was no response. The amendment passed. Wimsett called for testimony on the amended Proposal.

Public Testimony

John Solomon spoke in opposition to the Proposal.

Jim Smith spoke in opposition to the Proposal.

Dave Morell spoke in support of the Proposal.

Graham provided the definition of "residential" and spoke to horse boarding in rural areas.

Bunney and Gelman provided closing remarks in support of the Proposal.

The Proposal passed as amended on a roll call vote of six to zero (Moss was excused).

PROPOSAL NO. 2004-50, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING EXHIBIT "B" OF ORDINANCE NO. 98-117 AS AMENDED BY ORDINANCE NO. 2002-16s, BY DESIGNATING MAHNCKE ROAD KPS AS A COLLECTOR ARTERIAL AND DIRECTING THE COUNTY ENGINEER TO PROPERLY IMPLEMENT THE ARTERIAL DESIGNATION THROUGH THE USE OF APPROPRIATE TRAFFIC CONTROL DEVICES.

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

Lee spoke to the safety concerns of the road.

Wimsett called for public testimony; there was no response. The Proposal passed on a roll call vote of five to zero (Goings and Moss were excused).

PROPOSAL NO. 2004-51, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL, REPEALING RESOLUTION NO. R2003-86; AND ADOPTING A NEW ORGANIZATION CHART ESTABLISHING CLASSIFICATION TITLES AND CORRESPONDING PAY RANGES FOR THE OFFICE OF THE PIERCE COUNTY COUNCIL.

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

Staff Testimony

Tom Dickson, Consultant, provided information on the Proposal, stating the Proposal establishes a new framework for staff salaries and classifications and Council goals. Moss returned to the meeting.

Councilmembers thanked Dickson for his work on the Proposal.

Wimsett moved Council Amendment No. 1 on the pink; motion seconded and passed. A copy of this amendment is included with these minutes as Attachment II.

The Chair called for testimony on the amendment; there was no response. The amendment passed. The Chair called for testimony on the amended Proposal; there was no response. The Proposal passed as amended on a roll call vote of six to zero (Goings was excused).

IX. RESOLUTIONS

PROPOSAL NO. R2004-67, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING THE SERVICE AREA OF THE EAST GIG HARBOR WATER DISTRICT BY WITHDRAWING THE "WEST PASSAGE RIDGE" AREA.

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

Staff Testimony

Weber provided background information on the Proposal, stating the Water District and the private company have agreed to remove the area. The Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on May 18, 2004.

At Lee's request, Susan Clark, Public Works and Utilities Water Programs, explained the internal memorandum dated July 1, 2004, regarding overpayment. A copy is contained in the Ordinance file.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of five to zero (Goings and Wimsett were excused).

PROPOSAL NO. R2004-79, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ADOPTING THE "PIERCE COUNTY COUNCIL STRATEGIC INFORMATION TECHNOLOGY PLAN"; AND REQUIRING AN UPDATE OF THE PLAN EVERY TWO YEARS.

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 & Operations Committee on June 14, 2004.

Mardy Fairchild, Operations Clerk, explained the Proposal and urged the Council to adopt the Proposal. She thanked Leslie Swalley; Kate Kennedy; Hugu Taylor; Tom Weber; and Michael Pawelak, Information Services, for their work on the Proposal. Fairchild and Pawelak provided a PowerPoint presentation on the Strategic Information Plan.

Public Testimony

Swalley commended Fairchild for her leadership and her hard work on the Proposal.

The Proposal passed on a roll call vote of six to zero (Goings was excused).

PROPOSAL NO. R2004-82, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENTION AND THE PUBLIC NECESSITY TO ESTABLISH AN ALIGNMENT FOR A NEW COUNTY ROAD THAT WOULD PROVIDE A CONNECTION BETWEEN THE SOUTHERN END OF THE BONNEY LAKE/CASCADIA PLATEAU AND THE CITY OF ORTING; AND DIRECTING THE COUNTY ENGINEER TO REPORT UPON SUCH PROJECT IN CONJUNCTION WITH THE REPORT CALLED FOR BY RESOLUTION NO. R2001-80.

Wimsett moved that the Proposal be referred back to Committee; motion seconded and passed on a voice vote.

PROPOSAL NO. R2004-91, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ESTABLISHING THE LAKE TAPPS BOAT MANAGEMENT PLAN TEAM TO DEVELOP A BOAT MANAGEMENT PLAN FOR LAKE TAPPS; PROVIDING A TIMELINE FOR THE WORK OF THE TEAM; REQUESTING THE PIERCE COUNTY SHERIFF'S DEPARTMENT, PLANNING AND LAND SERVICES DEPARTMENT AND PARKS AND RECREATION SERVICES DEPARTMENT TO PARTICIPATE ON THE TEAM AND PROVIDE TECHNICAL SUPPORT; AND SETTING A SUNSET DATE FOR THE LAKE TAPPS BOAT MANAGEMENT PLAN TEAM.

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

Bunney explained the Proposal and stated the Proposal will be a model for other lakes.

Bunney moved Council Amendment No. 1 on yellow; motion seconded. A copy of this amendment is included with these minutes as Attachment III.

The Chair called for testimony on the amendment; there was no response. The Chair called for testimony on the amended proposal.

Public Testimony

Sergeant Jerry Lawrence, Pierce County Sheriff's Department, spoke in support of the Proposal.

Bunney acknowledged staff from the Parks and Recreation Services Department, and the Planning and Land Services Department for their work on the Proposal.

The Proposal was adopted as amended on a roll call vote of six to zero (Goings excused).

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Wimsett moved to amend the July 13, 2004, Council Meeting Agenda by adding an Item 1. under Section VI., PROPOSAL NO. R2004-100, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING _____ TO THE POSITION OF WASHINGTON STATE REPRESENTATIVE, REPRESENTING THE 28th DISTRICT.

The motion was seconded and passed on a voice vote.

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

XI. General Public Comments - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:26 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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