

MINUTES
PIERCE COUNTY COUNCIL MEETING
August 7, 2007

930 Tacoma Avenue South, Room 1045
Tacoma, WA 98402

Voice: (253) 798-7777 – FAX: (253) 798-7509 – Toll-Free: (800) 992-2456 – TDD: (253) 798-4018
www.piercecountywa.org/council

(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 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: Jeff Cox, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Clerks; and Hugh Taylor, Senior Legislative Analyst.

There were approximately 40 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

Bunney moved approval of the agenda; motion seconded and passed on a voice vote.

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. 2007-69s, An Ordinance of the Pierce County Council Amending Chapter 2.98 of the Pierce County Code, "Pierce County Law

and Justice Commission", to Revise the Membership and Update the Functions of the Pierce County Law and Justice Commission.

Sponsored by: Councilmember Barbara Gelman

Department contact person: Doug Vanscoy, Prosecuting Attorney,
(253) 798-6504

Council contact person: Carolyn Pendle, (253) 798-3631

Committee recommendation: Do Pass as Substituted and Amended at
Public Safety and Human Services on July 24, 2007

Suggested date of Council hearing: September 4, 2007

2. Proposal No. 2007-77, An Ordinance of the Pierce County Council Amending Section 5.40.070 of the Pierce County Code, "Leasing Information", to Add a New Subsection 5.40.070 B.; and Providing for the Adoption by Reference of Revised Code of Washington 14.08.122, "Adoption of Regulations by Airport Operator for Airport Rental and Use and Collection of Charges".

Sponsored by: Councilmember Roger Bush

Department contact person: Kandace Thomas, Public Works and Utilities,
(253) 798-7104

Council contact person: Hugh Taylor, (253) 798-3665

For referral to the Economic and Infrastructure Development Committee

3. Proposal No. 2007-78, 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 CD – Corrections and Detention; and Amending the Pierce County Salary Classification Plan.

Sponsored by: Councilmember Terry Lee

Department contact person: Debbie Young, Human Resources, (253) 798-7762

Council contact person: Paul Bocchi, (253) 798-7304

For referral to the Rules and Operations Committee

To be heard in the Rules and Operations Committee on August 13, 2007

Suggested date of Council hearing: August 28, 2007

4. Proposal No. 2007-80, An Ordinance of the Pierce County Council Repealing Chapter 8.64 of the Pierce County Code, "Alarm Systems", Adopting a New Chapter 8.64 of the Pierce County Code, "Alarm Systems", Relating to Alarm System Permitting, Alarm Business Registration, Alarm Responses, Revocations, and Prescribing Penalties for Violations; and Setting an Effective Date.

Sponsored by: Councilmember Barbara Gelman

Department contact person: Roger Gooch, Sheriff, (253) 798-3942

Council contact person: Carolyn Pendle, (253) 798-3631

For referral to the Public Safety and Human Services Committee

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

1. Proposal No. R2007-100, A Resolution of the Pierce County Council Authorizing the Pierce County Executive to Apply to the Recreation and Conservation Office as Provided in Chapter 79A.15 of the Revised Code of Washington for Funding Assistance for a Washington Wildlife and Recreation Program Farmland Preservation Project Involving the Acquisition of Interest in Real Property for Farmland Preservation (Ted Ford Farm).

Sponsored by: Councilmember Shawn Bunney

Department contact person: Kimberly Freeman, Planning and Land Services, (253) 798-2784

Council contact person: Anna Graham, (253) 798-6253

For referral to the Rules and Operations Committee

d. Other Items

Bunney 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 July 23, 2007, was read into the record:

Ordinance No. 2007-38, An Ordinance of the Pierce County Council Granting a Nonexclusive Franchise to the Blue Horizon Water Company, for Location of Waterlines on Certain County-Owned Rights of Way; and Authorizing the County Executive to Execute said Franchise.

Ordinance No. 2007-54s, An Ordinance of the Pierce County Council Amending Ordinance No. 2006-114s, as Amended by Ordinance Nos. 2007 8s and 2007-12s; and Modifying the County 2007 Budget.

Ordinance No. 2007-56, 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. OST33-06, Gregory Mahoney and Doreen Jones-Mahoney – Nisqually River Forest Reserve Area; Application No. OST35-06, Fred L. and Kristy L. King – Tanwax Lake Area; Application No. OST36-06, Dennis and Mary King – Tanwax Lake Area; Application No. OST37-06, Tod and Jessica Morrish – Elbe Area; Application No. OST38-06, Kevin W. Moss – Orting Area)

Ordinance No. 2007-62, An Ordinance of the Pierce County Council Ratifying the Collective Bargaining Agreement Reached with the Pierce County

Prosecuting Attorneys' Association; and Amending the Pierce County Salary Classification Plan.

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

Proposal No. R2007-97, A Resolution of the Pierce County Council Confirming the Appointment of One New Member (Mark San Souci) to the Pierce County Conservation Futures Citizens' Advisory Board.

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

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

Muri complimented the appointee on his attention to detail and his community involvement.

The question was called; the Proposal was adopted on a roll call vote of seven to zero.

Proposal No. R2007-98, A Resolution of the Pierce County Council Confirming the Reappointment of One Member (John Olson) to the Pierce County Conservation Futures Citizens' Advisory Board.

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

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

The question was called; the Proposal was adopted on a roll call vote of seven to zero.

VIII. Ordinances

Proposal No. 2007-34s, 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.

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

Staff Testimony

Taylor provided background information on the Proposal and spoke to the docks, piers and ramps issue. Taylor reported the Planning Commission conducted two hearings and the

Community Development Committee had three hearings on the Proposal. On June 4, 2007, the Proposal received a do pass as substituted recommendation by the Community Development Committee. Taylor highlighted the changes to Shoreline Interim Regulations for piers and docks, and briefed the Council on additional changes to the regulations.

Goings moved Council Amendment No. 1 on blue; motion seconded.

Taylor explained the technical amendment. A copy of the amendment is identified as Attachment I to these minutes.

The Chair called for public testimony on the amendment; there was no response. The Chair called for final Councilmember comments on the amendment; there was no response.

The question was called; the amendment passed on a voice vote.

The Chair called for public testimony on Proposal No. 2007-34s as amended.

Public Testimony

Testimony was provided by the following: Viviane Berry, Longbranch Shellfish Company (handout in Ordinance file); Barbara Schoos; Bill Dewey, Taylor Shellfish Farms (handout in Ordinance file); Rick Sorrels; Danny Cheny; Janey Pinneo (handout in Ordinance file); Fred Wagner; Lori Brauneis; Orrin Sowers; Crystal Kyer, Tacoma Audubon Society; Nell Batker; Mark Zitko; Lora Hendricks; Wendell Stroud, Marine Floats (handout in Ordinance file); Rich Hanson; Howie Mattercroft; Jacob Kappert; Dick Van Cise; Dick Shaw; John Lance; Jim Gibbons; Peter Felmer; David Winfrey; Marilyn Kappert; and Don Lloyd. On behalf of Wendy Kettering, Janey Pinneo submitted a letter into the record (copy in Ordinance file).

The Chair responded to testimony.

After discussion on the amended Proposal, the question was called. The Proposal was defeated on a roll call vote of one to five (Gelman, Muri, Bunney, Bush and Farrell voted no; Goings was excused at the time of vote).

The business meeting recessed at 3:46 p.m.; reconvened at 3:48 p.m.

IX. Resolutions

Proposal No. R2007-76, A Resolution of the Pierce County Council Authorizing the Pierce County Executive to Enter into an Agreement with the City of Gig Harbor to Revise the Corporate Boundary of the City of Gig Harbor along Certain Roadway Rights-of-Way, Pursuant to Revised Code of Washington 35.21.790.

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

Staff Testimony

Taylor explained the Proposal and informed the Council that the County Engineer supports the Proposal.

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

The question was called; the Proposal was adopted on a roll call vote of five to zero (Gelman and Goings were excused at the time of vote).

Proposal No. R2007-81, A Resolution of the Pierce County Council Related to the Storm Drainage and Surface Water Management Utility; Finding that the Public Works and Utilities Department has Complied with Provisions of the 2007 Budget; and Authorizing Acquisition of Floodplain Properties on Kapowsin Creek, McCormick Creek, Sullivan Gulch, Muck Creek, Rocky Creek, Ohop Creek, White River, South Prairie Creek, and Repetitive Loss Properties.

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

Staff Testimony

Cox explained the Proposal and provided information on the grant budget funding.

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

Cox explained the technical amendment.

The Chair called for public testimony on the amendment; there was no response. The Chair called for final Councilmember comments on the amendment; there was no response.

The question was called; the amendment passed on a voice vote.

Staff Testimony

Dan Wyre, Public Works and Utilities - Water Division, informed the Council that the Department supports the Proposal.

The Chair called for public testimony on the Proposal as amended; there was no response. The Chair called for final Councilmember comments; there was no response.

The question was called; the Proposal passed as amended on a roll call vote of six to zero (Goings excused was excused at the time of vote).

Proposal No. R2007-95, A Resolution of the Pierce County Council Setting the Date of an Evening Council Meeting in Council District No. 2 for Tuesday, August 14, 2007, at 5:00 p.m., at Riverside Elementary School, 5515 44th Street East, Puyallup, Washington.

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

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

X. Other Business/Announcements - None

XI. Citizens' Forum

1. Ken Paulson addressed the Council regarding the bird flu virus and ombudsman needs.

XII. Adjournment

There being no further business, the meeting was adjourned at 5:01 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
Tacoma, WA 98402-2176
(253) 798-7777
FAX (253) 798-7509
1-800-992-2456
December 10, 2007

ATTACHMENT I

Council Amendment 1- Blue

TO: Councilmembers

FROM: Councilmember Terry Lee, Chair

SUBJECT: Proposal No. 2007-34s, Technical Amendments and Addition of Findings

I recommend the following technical amendments to Proposal 2007-34s:

1. At page 2 of 4, line 35, of the Ordinance, modify text to insert the issuance date for the SEPA threshold determination as follows:

" **Whereas**, the Responsible Official conducted an environmental review of the proposed amendments to the Pierce County Development Regulations - Zoning, and issued a Determination of Nonsignificance (DNS) to address amendments to the Pierce County Shoreline Use Regulations Title 20, on ~~February~~ **March 8**, 2007, to satisfy the requirements of the State Environmental Policy Act (SEPA) ;"

2. At page 4 of 4, line 5, of the Ordinance, modify Section 4 to indicate an effective date as follows:

" Section 4. Pursuant to WAC 173-26-120, ~~The effective date of this Ordinance shall not become effective until approved by the Department of Ecology. Upon receiving such approval, the effective date of the Ordinance shall be the date of the Department of Ecology's letter to Pierce County approving the Shoreline Management Use Regulation amendments set forth in Exhibit A. be _____~~, 2007."

3. At page 4 of 16, line 2, of Exhibit A to the Ordinance, insert the text "and" to correct a grammatical error as follows:

"B. **Specific Standards Applicable to Geoduck Aquaculture.** The following standards relating to design, location, bulk and use shall apply to geoduck aquaculture **and** are in addition to the Development Guidelines set forth in Section 20.24.020 A. Compliance with these standards must be determined by the County's reviewing authority to approve a site specific project application."

4. At page 4 of 16, line 11, of Exhibit A to the Ordinance, replace the text "and" with the text "at" to correct a grammatical error as follows:
 - "b. The boundaries of the harvest area shall be marked ~~and~~ at all corners with marker buoys for the duration of the operation in order to identify the operation boundaries to the public."
5. At page 6 of 16, line 19, of Exhibit A to the Ordinance, modify text to improve readability and understanding as follows:
 - "A. **Urban and Rural-Residential Environments.** Aquaculture operations are limited to fishing, raising, holding, and harvesting of wild and planted stocks for recreation and commercial purposes. ~~Operations that which~~ do not involve the use of tubes, netting, or other materials placed in intertidal areas. **Such operations** will be allowed; upon showing the activity will not substantially change the character of the site or adversely affect natural populations and shall be subject to the Standards and Guidelines for Reviewing Substantial Development Permits."
6. At page 2 of 2, line 12, of the Exhibit B to Ordinance 2007-34s, modify text to insert the issuance date for the SEPA threshold determination as follows:
 - "11. The Responsible Official conducted an environmental review of the proposed amendments to the Pierce County Development Regulations - Zoning, and issued a Determination of Nonsignificance (DNS) to address amendments to the Pierce County Shoreline Use Regulations Title 20, on ~~February~~ **March 8**, 2007, to satisfy the requirements of the State Environmental Policy Act (SEPA)."
7. At page 2 of 2, line 15, of the Exhibit B to Ordinance 2007-34s, add additional findings as follows:
 - "12. Though described as "interim", the modifications to the Shoreline Use Regulations approved through Ordinance No. 2007-34s are intended to be a component of an iterative process to complete a comprehensive update of the Pierce County Shoreline Master Program and Use Regulations as required by RCW 90.58.080."
 - "13. The Council finds that the adoption of Ordinance No. 2007-34s is necessary to address potential inconsistencies between the Shoreline Use Regulations (Title 20, PCC) and the Shoreline Master Program as related to piers, ramps, floats, docks, and aquaculture as set forth in Resolutions R2006-96 and R2006-97 and that delaying the addressing of these concerns to the completion of the comprehensive shoreline update could result in adverse impacts to the shoreline environment and the use and enjoyment of the shoreline by the citizens of Pierce County."
 - "14. The Councils finds that the adoption of Ordinance No. 2007-34s is the minimum necessary to address the issues set forth in Resolutions R2006-96 and R2006-97."

Pierce County

Office of the County Council

930 Tacoma Avenue So., Room 1046
Tacoma, WA 98402-2176
(253) 798-6626
FAX (253) 798-7509
1-800-992-2456

December 10, 2007

ATTACHMENT II

ROGER BUSH
Councilmember, District No. 3

COUNCIL AMENDMENT NO. 1 **Yellow**

TO: Councilmembers

FROM: Councilmember Roger Bush

SUBJECT: PROPOSED AMENDMENT TO RESOLUTION NO. R2007-81

I recommend the following amendment to Proposed Resolution No. R2007-81 to insert language that was inadvertently omitted from Section 1.:

- On page 2 of 5, line 24, insert the following:

"PROVIDED, no funds for acquisition of property for projects D340, Gig Harbor Basin Floodplain Acquisition; D170, Rocky Creek Key Peninsula Acquisition; D185, Mid-Nisqually Flood prone Property Acquisition; D184, South Prairie Creek Flood prone Property Acquisition; D157, Clover Creek Habitat Flood Plain; D203, Lower White Floodplain Acquisition; D161, Muck Creek Basin Floodplain Acquisition; D143, South Midland Wetland Reserve; D200, Larchmont Wetland Reserve; and D206, Natches Trail Reserve, shall be committed or expended until the Public Works and Utilities Department reports to the Council Economic and Infrastructure Development Committee and the Council adopts a resolution authorizing those purchases to move forward and further expenditures from this Fund."

lm

c:Denise Johnson, Clerk of the Council

F:\wpfiles\lmedley\r2007-81 cou amd1 mem.doc