

**MINUTES
PIERCE COUNTY COUNCIL MEETING
AUGUST 30, 2005**

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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 approximately 3:00 p.m. by Acting Chair Lee.

II. 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.

III. ROLL CALL

Councilmembers Present:, Dick Muri, Timothy M. Farrell, Barbara Gelman, and Terry Lee. Councilmembers Excused: Shawn Bunney, Roger Bush and Calvin Goings.

Council Staff Present: Patty Face, Deputy Clerk, Steve Gross, Deputy Legal Counsel; 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 30 visitors present.

IV. APPROVAL OF AGENDA

Muri 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 August 23, 2005, Special Council meeting.
2. The minutes of the July 19, 2005, District No. 3 Council meeting.
3. The minutes of the July 12, 2005, regular Council meeting.
4. The minutes of the July 5, 2005, regular Council meeting.

5. The minutes of the June 14, 2005, District No. 6 Council meeting.
6. The minutes of the June 7, 2005, regular Council meeting.
7. The minutes of the April 5, 2005, District No. 5 Council meeting.
8. The minutes of the March 29, 2005, regular Council meeting.

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

1. PROPOSAL NO. 2005-58, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO SPARTUS COMMERCIAL CORPORATION, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

Sponsored by: Councilmember Terry Lee

Contact person: Jerry West, 798-3687

DO PASS RECOMMENDATION - ECONOMIC AND INFRASTRUCTURE DEVELOPMENT COMMITTEE ON AUGUST 16, 2005 (Terry Lee, Chair; Roger Bush, Vice Chair; Shawn Bunney, Member; Calvin Goings, Member; Dick Muri, Member)

Suggested date of Council hearing: October 4, 2005

2. PROPOSAL NO. 2005-59, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 1. OF ORDINANCE NO. 2004-48s, WHICH VACATED A PORTION OF 204TH STREET EAST IN SECTION 6, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE FREDERICKSON AREA, TO CORRECT THE LEGAL DESCRIPTION CONTAINED THEREIN.

Sponsored by: Councilmember Terry Lee

Contact person: Jerry West, 798-3687

DO PASS RECOMMENDATION - ECONOMIC AND INFRASTRUCTURE DEVELOPMENT COMMITTEE ON AUGUST 16, 2005 (Terry Lee, Chair; Roger Bush, Vice Chair; Shawn Bunney, Member; Calvin Goings, Member; Dick Muri, Member)

Suggested date of Council hearing: September 27, 2005

3. PROPOSAL NO. 2005-70, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2005 AMENDMENTS TO THE PIERCE COUNTY COMPREHENSIVE PLAN; AMENDING TITLE 19A OF THE PIERCE COUNTY CODE, "COMPREHENSIVE PLAN," CHAPTER 19C.10, "PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE PLAN," CHAPTER 19B.10, "GIG HARBOR PENINSULA COMMUNITY PLAN," CHAPTER 19B.30, "THE FREDERICKSON COMMUNITY PLAN," CHAPTER 19B.40, "THE PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN," CHAPTER

19B.80, "THE UPPER NISQUALLY VALLEY COMMUNITY PLAN,"
AND CHAPTER 19B.90, "THE SOUTH HILL COMMUNITY PLAN";
SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING
FINDINGS OF FACT.

Sponsored by: Councilmember Calvin Goings

Contact person: Anna Graham, 798-6253

For referral to the Community Development Committee

Suggested date of Council hearing: November 1, 2005

4. PROPOSAL NO. 2005-68, AN ORDINANCE OF THE PIERCE
COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO
HOLLY/TALMO WATER ASSOCIATION, FOR LOCATION OF
WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY;
AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID
FRANCHISE.

Sponsored by: Councilmember Terry Lee

Contact person: Jerry West, 798-3687

For referral to the Economic and Infrastructure
Development Committee

Suggested date of Council hearing: October 4, 2005

5. PROPOSAL NO. 2005-69, AN ORDINANCE OF THE PIERCE
COUNTY COUNCIL AMENDING THE PIERCE COUNTY CODE
SECTION 4.20.050, "REQUEST FOR HEARING," TO PROVIDE
ADDITIONAL TIME FOR PROPERTY TAXPAYERS TO ADEQUATELY
RESEARCH AND PREPARE AN APPEAL TO THE BOARD OF
EQUALIZATION REGARDING DETERMINATIONS THE TAXPAYER
RECEIVES FROM THE ASSESSOR-TREASURER.

Sponsored by: Councilmember Shawn Bunney

Contact person: Giselle Kamieniecki, 798-7477

For referral to the Rules and Operations Committee

6. PROPOSAL NO. 2005-71, AN ORDINANCE OF THE PIERCE
COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE
TELECOMMUNICATIONS FRANCHISE TO MCI WORLDCOM NETWORK
SERVICES INC., FOR A TELECOMMUNICATIONS NETWORK IN
PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING
FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING
OF THE TELECOMMUNICATIONS 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.

Sponsored by: Councilmember Terry Lee

Contact person: Hudson Stansbury, 798-7477

For referral to the Economic and Infrastructure
Development Committee

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

d. Other Items

Lee moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of four 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 August 12, 2005, was read into the record:

ORDINANCE NO. 2005-39, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 12.28.010 OF THE PIERCE COUNTY CODE TO PROVIDE FOR THE FILING OF LIENS FOR THE COSTS ASSOCIATED WITH ABATEMENT PROCEEDINGS.

ORDINANCE NO. 2005-40s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 17B.10 OF THE PIERCE COUNTY CODE, "GENERAL PROVISIONS", BY ADOPTING THREE NEW SECTIONS - 17B.10.105, "PERMIT TIME LIMITS"; 17B.10.112, "TEMPORARY ROAD CLOSURE PERMIT FEE"; AND 17B.10.114, "FINANCIAL GUARANTEE."

ORDINANCE NO. 2005-56, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 1.28.050 OF THE PIERCE COUNTY CODE, "COUNCIL MEETINGS AND AGENDA".

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

PROPOSAL NO. R2005-120, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE PROCLAIMING SEPTEMBER 10, 2005 AS "AIDS WALK DAY" IN PIERCE COUNTY, WASHINGTON.

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

Farrell spoke to former Pierce County Councilmember Jim Salatino's passing from the AIDS disease. He encouraged the community to attend the AIDS Walk.

Muri spoke in support of the Proposal and mentioned his sister passed as a result of acquiring AIDS through a blood transfusion.

Gelman spoke to Jim Salatino as being an AIDS supporter.

John McCluskey, Pierce County AIDS Foundation, thanked the Council for the Proclamation and its support of the event. A copy of his handout is contained in the Clerk's meeting file.

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

PROPOSAL NO. R2005-121, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE HONORING THE CAREER OF JAN WOLCOTT; 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.

Muri moved adoption; motion seconded. Lee read the Proclamation in its entirety into the record.

County Executive John Ladenburg spoke to Wolcott's career with Pierce County and to Wolcott's hard work on park issues, especially the park bond.

Councilmembers expressed their appreciation to Wolcott for his dedication to Pierce County parks.

Jan Wolcott, Director of Pierce County Parks, introduced the Kathryn Kravit-Smith as the new Parks Director. Wolcott thanked the Executive and Council for their support of parks issues. Wolcott acknowledged his family in attendance.

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

The Proclamation was presented to Wolcott.

PROPOSAL NO. R2005-119, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE MID-COUNTY LAND USE ADVISORY COMMISSION. (ALLEN I. STAKSET)

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

Staff Testimony

Weber explained the Proposal will fill an existing vacancy on the Commission.

Gelman spoke in support of the Stakset's appointment.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of four to zero.

Muri spoke in support of the appointment.

VIII. ORDINANCES

PROPOSAL NO. 2005-45, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CANCELING CERTAIN UNCOLLECTIBLE PERSONAL PROPERTY TAXES.

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

Staff Testimony

Weber reported on July 18, 2005, the Proposal received a do pass recommendation by the Rules and Operations Committee.

Jack Rusler, Budget and Finance Department, explained the Proposal is the uncollectible personal properties and requests that they be removed from the tax rolls.

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

PROPOSAL NO. 2005-51, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO EAST GIG HARBOR WATER DISTRICT, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

Muri 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 Economic and Infrastructure Development Committee on August 2, 2005.

Bruce Duncan, Public Works and Utilities Department, explained the Proposal grants a water franchise to East Gig Harbor Water District for a term of 15 years.

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

IX. RESOLUTIONS

PROPOSAL NO. R2005-82, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT EVALUATE THE COMPATIBILITY OF SMALL SCALE ESPRESSO STANDS AS AN ALLOWED USE IN THE RURAL NEIGHBORHOOD CENTER ZONE WITHIN THE GIG HARBOR PENINSULA COMMUNITY PLAN AREA; THAT SUCH EVALUATION INCLUDE REVIEW BY THE PENINSULA LAND USE ADVISORY COMMISSION; AND THAT A RECOMMENDATION, INCLUDING ANY REQUIRED AMENDMENTS TO TITLE 18A AND TITLE 18J AS APPROPRIATE, BE FORWARDED TO THE PIERCE COUNTY PLANNING COMMISSION FOR REVIEW BY A DATE CERTAIN.

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

Staff Testimony

Taylor explained the Proposal initiates the process to allow espresso stands in the Gig Harbor Peninsula Rural Neighborhood Center zone. He reported the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on July 18, 2005.

Muri moved Council Amendment No. 1 on blue; motion seconded. A copy of the amendment is identified as Attachment I to these minutes.

Taylor explained the amendment allows for stand alone small scale espresso stands and for small scale eating and drinking establishments in the Rural Neighborhood Center within the Gig Harbor Peninsula Community Plan area. In response to Lee's question, Taylor spoke to the criteria of small scale activities.

Lee provided background information on initiating the Proposal.

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

The motion carried.

Sean Gaffney, Planning and Land Services Department, explained that the timing of the Proposal is working out nicely.

The Chair called for public testimony; there was no response. The Proposal passed as amended on a roll call vote of four to zero.

PROPOSAL NO. R2005-90, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT INITIATE THE PROCESS WITH THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES FOR TRANSFERRING JURISDICTION ON CLASS IV GENERAL FOREST PRACTICES FROM WASHINGTON STATE TO PIERCE COUNTY BY DECEMBER 31, 2005, AS REQUIRED BY REVISED CODE OF WASHINGTON (RCW) 76.09.240; TO DEVELOP APPROPRIATE PROCEDURES FOR THE ADMINISTRATION OF FOREST PRACTICES AND COLLECTION OF ASSOCIATED FEES AS SET FORTH BY RCW 76.09; AND TO FORWARD RECOMMENDATIONS TO THE PIERCE COUNTY COUNCIL BY NOVEMBER 1, 2005.

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

Staff Testimony

Taylor explained the procedure for Forest Practices.

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

PROPOSAL NO. R2005-113, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENDED DISTRIBUTION OF NATIONAL FOREST RELATED SAFETY-NET PAYMENTS BETWEEN TITLE II AND TITLE III OF THE SECURE SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

Muri 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.

Lee explained the Council received an extensive briefing on the issue and acknowledged that Debby Hyde, Special Project Coordinator, was available to answer questions.

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

**PROPOSAL NO. R2005-118s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL
RECOGNIZING THE CONTRIBUTIONS OF PAUL ALVESTAD AND JOE PECOARO,
SR., TO THE CONSTRUCTION OF THE RANDALL STREET BOAT DOCK.**

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

Lee spoke in support of the Proposal and explained his involvement in the floating dock project. Lee apologized for the long process involved to construct the dock, which is now in place.

Lee read the Proclamation in its entirety into the record.

Public Testimony

Jeff Fedgin, Puget Sound Anglers Club, thanked Lee and the Council for the Proclamation. Fedgin spoke to the need of first class ramps in the Peninsula area.

Paul Alvestad, son of Paul Alestad, thanked Lee and the Council for the Proclamation. He acknowledged former Pierce County Councilmember Karen Biskey for her work on the issue.

Councilmembers Muri and Farrell provided remarks in support of the Proposal.

In response to Gelman's question, Lee spoke to the requirement of floating docks.

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

Without objection from Council, Lee suspended the rules to advance to Section XI. of the Agenda.

XI. CITIZENS' FORUM

The Chair called for citizens' comments; there was no response.

The Chair returned to the regular order of business.

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 explained the Executive Session is authorized by RCW 42.30.110.

The Chair announced the Council will return from Executive Session at 4:20 p.m. At 4:00 p.m. the business meeting recessed and Council entered into Executive Session; meeting off the record. At 4:22 p.m. the business meeting went back on record to reconvene.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:22 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Shawn Bunney, Council Chair

Date Approved

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