

**MINUTES
PIERCE COUNTY COUNCIL MEETING
AUGUST 31, 2004**

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 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, Terry Lee, Harold Moss, and Dick Muri. Councilmembers Barbara Gelman, Calvin Goings, and Kevin Wimsett were excused.

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

There were four 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 August 10, 2004, Council meeting

- b. Action on Ordinances (refer, set date of hearing)
1. PROPOSAL NO. 2004-62, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE DISSOLUTION OF DRAINAGE DISTRICT NO. 11, PURSUANT TO REVISED CODE OF WASHINGTON 85.38.225, LOCATED IN A PORTION OF THE CITY OF SUMNER AND UNINCORPORATED PIERCE COUNTY.
Sponsored by: Councilmember Shawn Bunney
Contact person: Phil Prettyman, 798-7635
DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON AUGUST 17, 2004 - (Shawn Bunney, Chair/excused; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member/excused; Dick Muri, Member)
Suggested date of Council hearing: September 28, 2004
 2. PROPOSAL NO. 2004-72, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 9.32.070 AND 9.32.080 AND ADOPTING A NEW CHAPTER 2.79 OF THE PIERCE COUNTY CODE CREATING A PIERCE COUNTY FIREARMS ADVISORY COMMISSION.
Sponsored by: Councilmembers Terry Lee and Kevin Wimsett
Contact person: Thomas Weber, 798-6067
For referral to the Public Safety & Human Services Committee
 3. PROPOSAL NO. 2004-74, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO SPANAWAY 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 persons: Jerry West, 798-3687 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee
 4. PROPOSAL NO. 2004-75, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO RAINIER VIEW 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 persons: Jerry West, 798-3687 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee

5. PROPOSAL NO. 2004-76, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2003-107s; AND AMENDING THE 2004 PIERCE COUNTY BUDGET.
Sponsored by: Councilmember Harold Moss
Contact persons: Suzanne Hedlund, 798-6880 and Michael Transue, 223-2508
For referral to the Rules & Operations Committee
To be heard in the Rules & Operations Committee on September 13, 2004
6. PROPOSAL NO. 2004-77, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO THE UNITED STATES OF AMERICA, DEPARTMENT OF ENERGY, BONNEVILLE POWER ADMINISTRATION, FOR LOCATION OF ELECTRIC LINES ON CERTAIN RIGHTS OF WAY AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.
Sponsored by: Councilmember Shawn Bunney
Contact persons: Jerry West, 798-3687 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee
7. PROPOSAL NO. 2004-78, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE CHAPTER 1.22, "PIERCE COUNTY HEARING EXAMINER CODE," AND CHAPTER 2.45, "LAND USE ADVISORY COMMISSIONS," TO ADDRESS THE CONSIDERATION OF LAND USE ADVISORY COMMISSION RECOMMENDATIONS AND COMMUNITY PLANS IN THE HEARING EXAMINER'S DECISION-MAKING PROCESS.
Sponsored by: Councilmember Calvin Goings
Contact person: Anna Graham, 798-6253
For referral to the Community Development Committee
8. PROPOSAL NO. 2004-79, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING MAXIMUM SPEED LIMITS ON COUNTY ROADS; REPEALING PRIOR SPEED LIMIT ORDINANCE NO. 99-13s; REPEALING ORDINANCE NO. 2000-5s AND REPEALING ORDINANCE NO. 2001-103 WHICH AMENDED ORDINANCE NO. 99-13s WITH APPLICABLE REVISIONS; DIRECTING THE COUNTY ENGINEER TO PROPERLY IMPLEMENT THE MAXIMUM SPEED LIMITS THROUGH THE USE OF APPROPRIATE TRAFFIC CONTROL DEVICES; AND SETTING AN EFFECTIVE DATE OF OCTOBER 18, 2004.
Sponsored by: Councilmember Shawn Bunney
Contact persons: Jim Ellison, 798-7250 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee

9. PROPOSAL NO. 2004-80, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO ASHFORD WATER DISTRICT, A MUNICIPAL CORPORATION, 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 persons: Jerry West, 798-3687 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee
10. PROPOSAL NO. 2004-81, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO WOLLOCHET HARBOR CLUB, 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 persons: Jerry West, 798-3687 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee
11. PROPOSAL NO. 2004-82, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF WRIGHT-BLISS ROAD KPN (CR 648) RIGHT-OF-WAY IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 22 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE KEY PENINSULA AREA.
Sponsored by: Councilmember Terry Lee
Contact persons: Jerry West, 798-3687 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee
Suggested date of Council hearing: October 5, 2004
12. PROPOSAL NO. 2004-83, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING PORTIONS OF 176TH STREET EAST AND CANYON ROAD EAST LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 4 EAST, AND IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE FREDERICKSON AREA.
Sponsored by: Councilmember Kevin Wimsett
Contact persons: Jerry West, 798-3687 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee

- c. Action on Resolutions (refer, set date of hearing)
1. PROPOSAL NO. R2004-82s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DIRECTING THE COUNTY ENGINEER TO REPORT ON THE MERIT AND VALUE OF A POSSIBLE NEW COUNTY ROAD THAT WOULD PROVIDE A CONNECTION BETWEEN THE SOUTHERN END OF THE BONNEY LAKE/CASCADIA PLATEAU AND STATE ROUTE 162 IN THE CITY OF ORTING.
Sponsored by: Councilmember Shawn Bunney
Contact person: Steve Gross, 798-7579
DO PASS AS SUBSTITUTED RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON AUGUST 17, 2004 - (Shawn Bunney, Chair/excused; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member/excused; Dick Muri, Member)
Suggested date of Council hearing: September 14, 2004

 2. PROPOSAL NO. R2004-119, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENT TO VACATE PORTIONS OF 176TH STREET EAST AND CANYON ROAD EAST LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 4 EAST, AND IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN IN THE FREDERICKSON AREA; AND DIRECTING THE COUNTY ENGINEER TO EXAMINE THE INTENDED VACATION AND REPORT THE FINDINGS AND CONCLUSIONS THEREOF TO THE COUNCIL.
Sponsored by: Councilmember Kevin Wimsett
Contact persons: Bruce Duncan, 798-5016 and Thomas Weber, 798-6067
For referral to the Economic & Infrastructure Development Committee

d. Other Items

Lee moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of five 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 17, 2004, was read into the record:

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE NO. 2004-54, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING CERTAIN COUNTY-OWNED PERSONAL PROPERTY AS SURPLUS; AND AUTHORIZING THE EXECUTIVE TO SELL, AS SURPLUS, ONE 1991 GUZZLER COMBINATION SEWER CLEANING UNIT, AND ONE 1993 VACTOR COMBINATION SEWER CLEANING UNIT.

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

PROPOSAL NO. R2004-124, A RESOLUTION OF THE PIERCE COUNTY COUNCIL COMMEMORATING THE LIFE AND ACHIEVEMENTS OF FORMER COUNCILMEMBER AND COUNCIL CHAIR, SALLY W. WALKER.

Lee moved adoption; motion seconded. The Chair read the Proclamation into the record.

Lee and Bunney spoke to their working relationship with Walker while she served on the County Council, and offered their condolences to the Walker family.

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

PROPOSAL NO. R2004-118, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF TWO NEW MEMBERS TO THE ETHICS COMMISSION. (MICHAEL SCHWARTZ AND "HAL" EBEN GORBATY)

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

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The Chair thanked the appointees for their willingness to serve on the Commission.

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

PROPOSAL NO. R2004-120, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF THREE EXISTING MEMBERS TO THE PIERCE COUNTY COMMUNITY DEVELOPMENT CORPORATION BOARD OF DIRECTORS. (ED KERN, JERRY HEITZMAN AND CRAIG GOEBBEL)

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

The Chair thanked the appointees for their willingness to serve on the Board.

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

PROPOSAL NO. R2004-121, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF THREE MEMBERS TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF PIERCE COUNTY. (BOB EMERSON, ROBERT YOUNG AND DEAN SEABURG)

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

The Chair thanked the appointees for their willingness to serve on the Board.

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

PROPOSAL NO. R2004-122, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE MENTAL HEALTH ADVISORY BOARD. (DAN FRUICHANTIE)

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

The Chair thanked the appointee for his willingness to serve on the Board.

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

PROPOSAL NO. R2004-123, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF THREE MEMBERS TO THE AGING AND LONG TERM CARE ADVISORY BOARD. (SHARON HORST, BETTY JOHNSON AND BETTY DROST)

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

Public Testimony

Betty Johnson thanked the Council for her appointment to the Board.

Moss thanked Johnson and the other appointees for their service.

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

VIII. ORDINANCES

PROPOSAL NO. 2004-88, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2004-52s BY REMOVING PORTIONS OF THE PIERCE COUNTY ZONING ATLAS ERRONEOUSLY INCLUDED WITHIN EXHIBIT "E" TO THE ORDINANCE; IN RESPONSE TO PIERCE COUNTY ORDINANCE NO. 2004-37; AND DECLARING AN EMERGENCY.

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

Staff Testimony

Long provided background information on the Proposal and explained its urgency.

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

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS

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

XI. GENERAL PUBLIC COMMENTS

1. Betty Garrison, on behalf of her husband, read a letter to the Council regarding concerns with the Directions package. A copy of the letter is contained in the Clerk's meeting file and in the Directions package file.

In response to Garrison's comments, the Council and the Staff discussed the right of entry process. At the next Community Development hearing an amendment will be presented to address the right of entry issue. Lee asked that the right of entry process be explained when the issue is revisited at the Council level.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:30 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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