

MINUTES
PIERCE COUNTY COUNCIL MEETING
October 2, 2007

930 Tacoma Avenue South, Room 1045
Tacoma, WA 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 Acting Chair Goings

II. Roll Call

Councilmembers Present: Roger Bush, Timothy M. Farrell, Calvin Goings, and Dick Muri. Gelman arrived after roll call. Shawn Bunney and Terry Lee were excused.

Council Staff Present: Paul Bocchi, Budget Legislative Analyst; Brad Chatfield, Communications Legislative Analyst; Jeff Cox, Deputy Legal Counsel; Anna Graham, Administrator for Research and Policy; Denise Johnson, Clerk of the Council; Mike Kruger, Research Analyst; Susan Long, Administrator for Legal and Clerks; Carolyn Pendle, Senior Research Analyst; and Hugh Taylor, Senior Legislative Analyst.

There were 23 visitors present.

III. Pledge of Allegiance to the Flag

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

IV. Approval of Agenda

Muri 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. 2007-77, 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

Committee recommendation: Do Pass at Economic and Infrastructure
Development on September 18, 2007

Suggested date of Council hearing: October 30, 2007

2. Proposal No. 2007-84, An Ordinance of the Pierce County Council Levying an Assessment in 2007, for Collection in 2008, Against Land in Pierce County for the Control of Noxious Weeds.

Sponsored by: Councilmember Terry Lee

Department contact person: Beki Shoemaker, Noxious Weed Control,
(253) 798-6800

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

Committee recommendation: Do Pass at Rules and Operations
on September 17, 2007

Suggested date of Council hearing: October 30, 2007

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

1. Proposal No. R2007-114, A Resolution of the Pierce County Council Approving Additional Regular Staff Positions in the 2007 Budget; Finding that the Department of Public Works and Utilities has Satisfied the Traffic Impact Fee Fund 2007 Budget Proviso; and Authorizing the Removal of the Expenditure Limitation of \$150,000 Within the Traffic Impact Fee Fund Budget for 2007.

Sponsored by: Councilmember Roger Bush

Department contact person: Gary Predoehl, Public Works and Utilities,
(253) 798-2768

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

Committee recommendation: Do Pass at Economic and Infrastructure
Development on September 18, 2007

Suggested date of Council hearing: October 16, 2007

d. Other Items

Muri 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 - None
- VII. Proclamations, Awards, and/or Appointments to Boards and Commissions

Proposal No. R2007-116, A Resolution of the Pierce County Council and Executive, Proclaiming October 8, 2007, as Columbus Day in Pierce County, Washington.

Muri moved adoption; motion seconded. At the Acting Chair's request, the Clerk read only the title into the record.

The Chair called for public testimony; there was no response. The Chair called for Councilmember comments; there was no response. The question was called; the Proposal was adopted on a roll call vote of four to zero. Muri is to present the Proclamation at the next Knights of Columbus meeting.

Proposal No. R2007-120, A Resolution of the Pierce County Council Proclaiming October 2007 as Community Planning Month in Pierce County, Washington, in Conjunction with National Community Planning Month.

Muri moved adoption; motion seconded. At the Acting Chair's request, the Clerk read only the title into the record.

Public Testimony

Chip Vincent, Planning and Land Services Department; and Bud Rehberg.

Goings spoke in support of the Proposal.

The question was called; the Proposal was adopted on a roll call vote of five to zero. The Proclamation was presented to Vincent.

VIII. Ordinances

Proposal No. 2007-74, An Ordinance of the Pierce County Council Declaring Certain County-Owned Real Property as Surplus, Located along State Route 7 between 224th and 232nd Street East in the Graham Area (Commonly Referred to as the Elk Plain Road Shop and Pit); and Authorizing the County Executive to Pursue Disposal of the Property, Pursuant to Pierce County Code 2.110.

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

Staff Testimony

Bocchi commented the Proposal is the first of two phases. Bocchi briefed the Council on the Proposal and explained the use of the funding from the property sale. Bocchi reported

the Proposal received a do pass recommendation by the Rules and Operations Committee on August 3, 2007, and was continued at the September 11, 2007 Council meeting.

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

Taylor updated the Councilmembers on Council action from the September 11, 2007 Council meeting.

Long explained the legal issues that were of concern to the Council at its September 11, 2007, meeting have been satisfied.

Taylor explained the proposed amendment.

After discussion of the amendment, the Chair suggested to table the amendment to allow Staff time to write an amendment addressing the solid waste handling permit.

Muri moved to table Council Amendment No. 1; motion seconded and carried.

Proposal No. 2007-79s, An Ordinance of the Pierce County Council Adopting a New Chapter 2.100 of the Pierce County Code, "Pierce County Citizens' Commission on Salaries for Elected Officials."

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

Staff Testimony

Cox provide information on the Proposal, and reported the Rules and Operations Committee forward the Proposal with a do pass recommendation on August 13, 2007.

Muri moved Council Amendment No. 1 on celery; 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 Council comments on the amendment; there was no response.

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

Public Testimony on Proposal No. 2007-79s as Amended

Linda Rawlings provided testimony on the amended Proposal.

The question was called; the Proposal passed as amended on a roll call vote of five to zero.

Proposal No. 2007-82, 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. OST24-06, Steven and Taran Johnson – Jackson Forest Area; Application No. OST32-06, Christine Newman-Garvey – Nisqually River Forest Reserve Area; Application No. OST48-06, Eric E. and Kendra A. Niesz – Fox Island Area; Application No. OST49-06, Gary P. and Karyn T. Brady – Tahoma Ridge Area)

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

Staff Testimony

Cox briefed the Councilmembers on the Proposal, and reported the Proposal was forwarded with a do pass recommendation by the Community Development Committee on September 17, 2007.

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

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

Proposal No. 2007-83, An Ordinance of the Pierce County Council Authorizing the Approval of Applications 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. OS47-06, Daniel D. and Donna J. Iverson, Gig Harbor Area; Application No. OS50-06, Christina DiRe (Remmers), Tacoma Area)

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

Staff Testimony

Cox briefed the Councilmembers on the Proposal, and reported the Proposal was forwarded with a do pass recommendation by the Community Development Committee on September 17, 2007.

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

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

IX. Resolutions - None

X. Other Business/Announcements - None

XI. Citizens' Forum

1. Bud Rehberg informed the Council that illegal signs are becoming worse and continue to degrade communities. He spoke the companies putting up the signs on weekends, and urged the Council to find a resolution to curtail illegal signs from going up over the weekends on County and state right-of-ways.
2. Jim Halmo spoke to the Council regarding Graham Advisory Commission issues that will be coming before the Council early next year.

Proposal No. 2007-74 (continued)

Without objection, the Chair returned to Proposal No. 2007-74.

Muri moved to remove Proposal No. 2007-74 from the table; motion seconded and carried.

Staff Testimony

Taylor informed the Council that an amendment is not necessary based on information he received during the time allotted.

Toby Rickman, Public Works and Utilities Department, explained the solid waste handling permit is to the operator not the land owner. Thus the solid waste handling permit does not go with the sale of the land.

In response to Goings' question, Rickman acknowledged the sale may be held up if the Council's legislative intent is not upheld.

Taylor suggested an oral amendment to proposed Section 5. of Council Amendment No. 1 to strike the existing Section 5. and replace as follows: "The Council desires that the surplusing of the southernmost 10 acres of Parcel No. 0318142001 be contingent upon a park feasibility analysis being completed. If this analysis indicates that the 10 acres is suitable and desirable as a community park, the 10 acres shall be excluded from the surplusing."

Farrell moved the suggested oral amendment; motion seconded.

Taylor explained the purpose of the oral amendment.

Bush spoke in support of the new Section 5.

The Chair called for public testimony on the oral amendment.

Public Testimony on the Oral Amendment

Bud Rehberg testified on the amendment.

The Chair called for Council comments on the oral amendment; there was no response.

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

The Chair called for public testimony on the Council Amendment No. 1.

Public Testimony on the Council Amendment No. 1 as Amended

Jim Halmo and Bud Rehberg testified on the amendment.

The Chair called for Council comments; there was no response.

The question was called; Council Amendment No. 1 passed as amended on a voice vote.

The Chair called for public testimony on Proposal No. 2007-74 as amended.

Public Testimony on the Amended Proposal

Jim Halmo and Bud Rehberg testified on the Proposal as amended.

Bush responded to Halmo's testimony regarding County records be held by a private party, and spoke in support of the Proposal.

Bush and Goings urged that the records be returned to the County.

The question was called; The Proposal passed as amended on a roll call vote of five to zero.

XII. Adjournment

There being no further business, the meeting was adjourned at 3:50 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
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ATTACHMENT I

December 10, 2007

Council Amendment No. 1
Blue

TO: Councilmembers
FROM: Councilmember Roger Bush
SUBJECT: Proposed Amendment to Proposal No. 2007-74, Elk Plain Surplus

I recommend the following amendments to Proposal No. 2007-74:

1. Beginning at page 1 of the proposed ordinance, line 23, insert the following new findings:

Whereas, the property proposed for surplus is located in an area identified within the Graham Community Plan as the site of a potential park and trail; and

Whereas, the Council desires to further identify the potential park and trail sites in order that the sites may be further analyzed and considered for such uses in the future; and

Whereas, two County owned parcels (Parcel Nos. 0318141058 and 0318141007) located adjacent to the property to be surplusd have been identified as a potential community park site and have a combined area of approximately 14 acres; and

Whereas, the Council has also identified 10 acres in the southern portion of the property to be surplusd that could also potentially be utilized for a community park site; and

Whereas, the potential trail location has been identified along the eastern boundary of the property to be surplusd; and

Whereas, the Council also desires to identify the uses of the proceeds from the future sale of the property; and

Whereas, a significant portion of the proceeds from the sale are currently proposed for expenditures related to the construction of the three County road maintenance facilities; and

Whereas, the Council desires that any proceeds that exceed the planned maintenance facility expenditures be used to provide additional funding for the 176th Street East corridor and the Canyon Road East southerly extension; and

Whereas, the Council desires documentation be provided in conjunction with the ratification of the future property sale that provides information on the total prior expenditures made by the County Road Fund for improvements to the Elk Plain property, including, but not limited to buildings, utilities, access, and parking, and analyzes whether or not these prior expenditures have been fully reimbursed through the property sale; and

2. Beginning at page 1 of the proposed ordinance, line 38, add, modify, and renumber sections as shown in redline and strikeout as follows:

Section 3. The Council desires that an appropriately sized and configured area be reserved along the eastern boundary of the surplus property sufficient to accommodate a potential trail from Parcel Nos. 0318141058 and 0318141007 to 224th Street East, and requests that such a condition be included when marketing the subject property.

Section 4. The Council states its intent that Parcel Nos. 0318141058 and 0318141007 located adjacent to the property to be surplus be evaluated by the Parks and Recreation Services Department as a potential park site.

Section 5. The Council also desires that 10 acres in the southernmost portion of Parcel No. 0318142001 be excluded from the surplus and that these 10 acres also be evaluated by the Parks and Recreation Services Department as a component of the potential park site.

Clerk Note: The above Section 5. was amended (see minutes).

Section 36. The terms of any proposed sale, exchange, or lease of the property shall be ratified by subsequent action of the County Council before finality, as provided by Pierce County Code 2.110.120.

Section 47. The Council hereby states its intent that the proceeds of any property sale shall be utilized to fund the construction of the Central Maintenance Facility, and East County Maintenance Facility as set forth in the Capital Facilities Plan, and a future West County Maintenance Facility a ~~future road maintenance facility~~, subject to future budgetary approval by the Council.

Section 8. The Council hereby states its intent that any proceeds in excess of that needed to fund the maintenance facilities described in Section 7 be utilized to fund transportation projects within the 176th Street East corridor and the Canyon Road East southerly extension.

Section 9. The Council requests that documentation be provided in conjunction with the ratification of the future property sale that provides information on the total prior expenditures made by the County Road Fund for improvements to the Elk Plain property, including, but not limited to buildings, utilities, access, and parking, and analyzes whether or not these prior expenditures have been fully reimbursed through the property sale.

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ATTACHMENT II

December 10, 2007

**COUNCIL AMENDMENT NO. 1
Celery**

TO: Councilmembers
FROM: Jeff Cox, Deputy Legal Counsel
SUBJECT: **PROPOSED AMENDMENTS TO ORDINANCE NO. 2007-79s**

I recommend the following amendments to Exhibit A of Proposed Ordinance No. 2007-79s:

1. On page 1 of 3, lines 24-34, amend Section 2.100.010 as follows:

2.100.010 Duties and Responsibilities.

The Pierce County Citizens' Commission on Salaries for Elected Officials shall have the power and responsibility to carry out the following duties:

- A. Establish uniform salary increases for the Pierce County Council ~~from the 2007 base-year salary~~ to be received by individual Councilmembers or their successors in the first month of a subsequent term of office for a seat held at the time an increase is established. Any increase in salary shall be filed by the Salary Commission with the County Auditor and the Department of Budget and Finance and shall become effective and incorporated into the appropriate County budget without further action of the Council or the Salary Commission.
- B. Recommend to the Council salary increases for the Pierce County Executive, Assessor Treasurer, Sheriff, and Auditor, ~~and Prosecuting Attorney~~. Recommendations for any change in the salaries of these elected officials shall be filed with the Clerk of the Council.

2. On page 1 of 3, lines 45-47, amend subsection 2.100.020 A.1. as follows:

2.100.020 Appointment and Membership.

- A. The Salary Commission shall consist of ten members appointed as follows:
 1. Six of the ten commission members shall be selected by lot by the Auditor from among those registered Pierce County voters eligible to vote at the time the persons are selected for appointment to the

Commission. The Auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection if a person selected declines appointment to the Commission or if, following the person's appointment, the person's position on the Commission becomes vacant before the end of the person's term of office. Persons selected by the Auditor shall have their names forwarded to the Executive ~~who shall then appoint said persons for~~ appointment to the Commission consistent with Section 3.30 of the Pierce County Charter.

3. On page 3 of 3, lines 18-23, amend Section 2.100.090 as follows:

2.100.090 Existing Salaries in Effect until Changed by Commission.

It is the intent of the Council that any change to Council salaries set by the Salary Commission shall be effective as provided by RCW 36.17.024(8), and shall supersede the salaries otherwise established ~~in~~ by Pierce County Ordinance or resolution ~~Nos. 86-130, 2006-130 and 2007-42~~; provided, that salaries established by ordinance or resolution of the Council in existence on the effective date of this ordinance shall remain in effect unless and until changed in accordance with this Chapter.

lm

c: Denise Johnson, Clerk of the Council

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