

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
OCTOBER 5, 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 Vice Chair Wimsett.

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**III. ROLL CALL**

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

Council Staff Present: Steve Gross, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; and Tom Weber, Administrator for Research and Policy.

There were ten 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

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

1. PROPOSAL NO. 2004-18, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NONEXCLUSIVE WIRELESS TELECOMMUNICATIONS FRANCHISE TO VOICESTREAM PCS III CORPORATION, A SUBSIDIARY OF T-MOBILE USA, INC., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE WIRELESS 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 Shawn Bunney

Contact person: Hudson Stansbury, 798-7477

To be heard in the Economic & Infrastructure Development Committee on October 5, 2004

Suggested date of Council hearing: November 9, 2004

2. 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.

The Council may act upon the following substituted proposal:

PROPOSAL NO. 2004-79s, 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 NOVEMBER 15, 2004.

Sponsored by: Councilmember Shawn Bunney

Contact persons: Jim Ellison, 798-5133; and Thomas Weber, 798-6067

DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON SEPTEMBER 21, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)

Suggested date of Council hearing: November 9, 2004

3. 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: Bruce Duncan, 798-5016; and Thomas Weber, 798-6067  
DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON SEPTEMBER 21, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)  
Suggested date of Council hearing: November 9, 2004
4. PROPOSAL NO. 2004-42, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO EMAN NETWORKS, 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 Shawn Bunney  
Contact person: Hudson Stansbury, 798-7477  
DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON SEPTEMBER 21, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)  
Suggested date of Council hearing: November 2, 2004
5. PROPOSAL NO. 2004-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 14.08.030 OF THE PIERCE COUNTY CODE TO ADD A DEFINITION OF THE WORD "TRAIL"; AND AMENDING SECTION 14.08.060 OF THE PIERCE COUNTY CODE TO LIMIT TRAIL USE TO CERTAIN NON-MOTORIZED MEANS.  
Sponsored by: Councilmember Terry Lee  
Contact person: Jan Wolcott, 798-4007  
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE ON SEPTEMBER 20, 2004 - (Harold Moss, Chair; Kevin Wimsett, Vice Chair; Terry Lee, Member)  
Suggested date of Council hearing: November 2, 2004

6. PROPOSAL NO. 2004-86, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PLACING THE PIHL BROTHERS BUILDING (PARCEL NO. 7060000160), LOCATED AT 101 SOUTH MERIDIAN, PUYALLUP, WASHINGTON, ON THE PIERCE COUNTY REGISTER OF HISTORIC PLACES; AND ADOPTING FINDINGS OF FACT.  
Sponsored by: Councilmember Terry Lee  
Contact person: Airyang Julia Park, 798-2783  
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE ON SEPTEMBER 20, 2004 - (Harold Moss, Chair; Kevin Wimsett, Vice Chair; Terry Lee, Member)  
Suggested date of Council hearing: November 9, 2004
7. PROPOSAL NO. 2004-89, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE WIRELESS TELECOMMUNICATIONS FRANCHISE TO PACIFIC BELL WIRELESS NORTHWEST, LLC, A DELAWARE LIMITED LIABILITY COMPANY, d/b/a CINGULAR WIRELESS, FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE WIRELESS 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 Shawn Bunney  
Contact person: Hudson Stansbury, 798-7477  
For referral to the Economic & Infrastructure Development Committee  
To be heard in the Economic & Infrastructure Development Committee on  
October 19, 2004  
Suggested date of Council hearing: November 9, 2004
8. PROPOSAL NO. 2004-92, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING YEAR 2004 AMENDMENTS TO THE CAPITAL FACILITIES ELEMENT OF THE PIERCE COUNTY COMPREHENSIVE PLAN; AMENDING TITLE 19E OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES - SIX YEAR FINANCING PLAN; AMENDING CHAPTER 19A.100 OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES ELEMENT; SETTING FORTH 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  
October 18, 2004

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

1. 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

DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON SEPTEMBER 21, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)

Suggested date of Council hearing: October 12, 2004

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 - None**

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

**PROPOSAL NO. R2004-135, A RESOLUTION OF THE PIERCE COUNTY COUNCIL PROCLAIMING OCTOBER 2004 AS "PTA MEMBERSHIP MONTH" IN PIERCE COUNTY, WASHINGTON; AND ENCOURAGES ALL CITIZENS TO APPLAUD THE WORK OF THE WASHINGTON STATE PTA THROUGHOUT THIS COUNTY, AND JOIN WITH THEM IN ADVOCATING FOR CHILDREN AND YOUTH.**

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

Stacy Shown, Region 10 Legislative Chair for Washington State PTA, accepted the Proclamation and thanked the Councilmembers for their efforts and for supporting the Resolution.

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

**VIII. ORDINANCES**

**PROPOSAL NO. 2004-63, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL  
CANCELING CERTAIN UNCOLLECTIBLE PERSONAL PROPERTY TAXES.**

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 and Operations Committee on August 16, 2004.

Jack Rusler, Budget and Finance Department, explained the Proposal is the annual write-off required by the Revised Code of Washington for personal property and mobile homes.

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

**PROPOSAL NO. 2004-65, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL  
AMENDING SECTION 8.88.040 OF THE PIERCE COUNTY CODE, "BOATING  
ADVISORY COMMISSION" REGARDING THE TERMS OF COMMISSION MEMBERS.**

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

Staff Testimony

Long stated the Proposal received a do pass recommendation by the Rules and Operations Committee on August 16, 2004. Long explained the Proposal will bring the Code chapter into compliance with the Charter membership requirement, and allows the members to serve until a successor is appointed.

Jerry Lawrence, Sheriff's Department and Chair of the Pierce County Boating Advisory Commission, explained the Proposal will maintain continuity in the Commission before a vacancy occurs, and it addresses term limits. He responded to Lee's question regarding Commission vacancies.

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

**PROPOSAL NO. 2004-67, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL  
LEVYING AN ASSESSMENT IN 2004, FOR COLLECTION IN 2005, AGAINST LAND  
IN PIERCE COUNTY FOR THE CONTROL OF NOXIOUS WEEDS.**

Pierce County Council Meeting  
October 5, 2004

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 and Operations Committee on August 16, 2004.

Tom Bertram, Noxious Weed Control Board, stated he was available to answer questions; no questions were asked.

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

At 3:11 p.m., the Chair called for a recess due to technical difficulty of the sound system; the meeting reconvened at 3:15 p.m.

**PROPOSAL NO. 2004-68, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 2.08 OF THE PIERCE COUNTY CODE, "ELECTRONIC DATA ACCESS AND SERVICES," AUTHORIZING THE CLERK OF THE SUPERIOR COURT TO ENTER INTO CONTRACTS FOR PROVIDING SERVICES FOR ELECTRONIC DATA ACCESS TO COURT RECORDS AND OTHER SERVICES ON A FEE BASIS; AND SETTING AN EFFECTIVE DATE.**

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

Staff Testimony

Long stated the Proposal received a do pass recommendation by the Rules and Operations Committee on August 16, 2004.

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

Long explained the amendment would change the effective date from October 1, 2004, to November 1, 2004.

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 Proposal No. 2004-68 as amended.

Staff Testimony

Kevin Stock, Clerk of Superior Court, explained the intent of the Proposal, and responded to Bunney's questions regarding revenue.

Goings spoke in support of the Proposal, and asked that Stock remind the Council of the \$125,000 during the upcoming Budget discussions.

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

**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.**

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 Economic and Infrastructure Development Committee on September 21, 2004. He stated an error in the legal description has been discovered.

Bruce Duncan, Public Works and Utilities Department, explained the intent of the Proposal, and stated there are currently no plans to realign the road. He stated the County Engineer has no objections to the vacation. He outlined the legal description error, and suggested inserting the words "of the Northeast Quarter" to Ordinance page 2 of 3 line 10 after the word "Quarter".

Bunney moved the amendment suggested by Duncan; motion seconded.

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

The Chair called for public testimony on Proposal No. 2004-82 as amended.

Public Testimony

John Delin, adjacent property owner, spoke to noticing concerns and asked for time to investigate the vacation issue since his property will be affected by the vacation.

At Bunney's direction, Duncan defined the legal standards for the road vacation process.

Long explained the standards and findings necessary for right-of-way road vacations.

Bunney recommended passage of the Proposal since there is not a need for the right-of-way.

Lee explained for the record that the applicants have agreed to allow the County to expand the right-of-way should Wright-Bliss road need improvements in the future.

The Proposal passed as amended on a roll call vote of five to zero.

**IX. RESOLUTIONS - None**

**X. OTHER BUSINESS/ANNOUNCEMENTS - None**

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 3:30 p.m.

Attest:

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Denise D. Johnson, Clerk of the Council

Approved:

\_\_\_\_\_  
Councilmember Harold Moss, Council Chair

\_\_\_\_\_  
Date Approved

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