

**COUNCIL MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 4, 2003**

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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 3:10 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: Paul Bocchi, Shawn Bunney, Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, and Kevin Wimsett.

Council Staff Present: Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Tom Weber, Administrator for Research and Policy; Anna Graham, Research Analyst; Steve Gross, Deputy Legal Counsel; and Michael Transue, Budget Consultant.

There were approximately 40 visitors present.

IV. APPROVAL OF AGENDA

Wimsett moved approval of the Agenda; motion seconded and passed on a voice vote.

V. CONSENT AGENDA

- a. Approval of Minutes
 - 1. The minutes of September 9, 2003, regular Council Meeting.
 - 2. The minutes of September 23, 2003, regular Council Meeting.
- b. Action on Ordinances (refer, set date of hearing)

Pierce County Council Meeting
November 4, 2003

1. PROPOSAL NO. 2003-121, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADDING A NEW CHAPTER 7.14 ENTITLED "NEW TECHNOLOGIES" TO THE PIERCE COUNTY STORMWATER MANAGEMENT AND SITE DEVELOPMENT MANUAL; REPEALING APPENDIX J ENTITLED "MAINTENANCE INCLUDING EXAMPLE MAINTENANCE SCHEDULES" IN THE STORMWATER MANAGEMENT AND SITE DEVELOPMENT MANUAL; AND ADOPTING A NEW APPENDIX J REFLECTING MAINTENANCE ADDITIONS BASED ON NEW CHAPTER 7.14.
Sponsored by: Councilmember Shawn Bunney
Contact person: Heather Kibbey, 798-4664
For referral to the Public Works Committee

2. PROPOSAL NO. 2003-122, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF FOSS COUNTY ROAD LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE KEY PENINSULA AREA.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
For referral to the Public Works Committee

3. PROPOSAL NO. 2003-123, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO MASHELL TELECOM, 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 Shawn Bunney
Contact person: Hudson Stansbury, 798-7477
For referral to the Public Works Committee

4. PROPOSAL NO. 2003-124, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 5.34 OF THE PIERCE COUNTY CODE, "FUMIGATORS, SPRAYERS AND EXTERMINATORS."
Sponsored by: Councilmembers Barbara Gelman and Terry Lee
Contact person: John Sherman, 798-6528
For referral to the Rules & Operations Committee
To be heard by Rules & Operations Committee on November 17, 2003
Suggested date of Council hearing: December 2, 2003

5. PROPOSAL NO. 2003-126, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTIONS 4A.20.030 AND 4A.30.030, REGIONAL PARK AND SCHOOL IMPACT FEE SCHEDULES; INCREASING THE MAXIMUM FEE OBLIGATIONS FOR REGIONAL PARK AND SCHOOL IMPACT FEES BY THE ANNUAL COST-OF-LIVING ADJUSTMENT, AS PROVIDED IN TITLE 4A; UPDATING THE SCHOOL DISTRICT FEE CALCULATIONS CONSISTENT WITH 2003 AMENDMENTS TO THE PIERCE COUNTY CAPITAL FACILITIES PLAN; AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmember Calvin Goings

Contact person: Carolyn Pendle, 798-3631

For referral to the Committee of the Whole

To be heard by the Committee of the Whole on November 20, 2003

Suggested date of Council hearing: December 2, 2003

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

d. Other Items

1. Motion to certify the following Budget Certifications, and instruct the Clerk of the Council to forward the Certification to the Pierce County Assessor-Treasurer's Office, pursuant to Revised Code of Washington 84.52.020:
 - Anderson Island Park & Recreation District
 - Port of Tacoma

Wimsett 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 October 21, 2003, was read into the record.

ORDINANCE NO. 2003-73, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.67.040 OF THE PIERCE COUNTY CODE, "JURISDICTION AND AUTHORITY", ADJUSTING THE JURISDICTIONAL BOUNDARIES OF THE SOUTHWEST PIERCE COUNTY ADVISORY COMMISSION TO INCLUDE THE EATONVILLE AREA.

ORDINANCE NO. 2003-89s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CONSOLIDATING THE SUMMIT VIEW, SUMMIT WALLER, AND NORTH CLOVER CREEK COLLINS ADVISORY COMMISSIONS INTO ONE LAND USE ADVISORY COMMISSION; REPEALING CHAPTERS 2.55, 2.63 AND 2.79 OF THE PIERCE COUNTY CODE; ADOPTING A NEW CHAPTER 2.63 OF THE PIERCE COUNTY CODE, ENTITLED MID-COUNTY LAND USE ADVISORY

COMMISSION; ESTABLISHING AND CREATING A FIFTEEN-MEMBER ADVISORY COMMISSION; AND SETTING A SUNSET DATE.

ORDINANCE NO. 2003-90s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CONSOLIDATING THE PARKLAND AREA, SPANAWAY, AND MIDLAND ADVISORY COMMISSIONS INTO ONE LAND USE ADVISORY COMMISSION; REPEALING CHAPTERS 2.61, 2.62 AND 2.81 OF THE PIERCE COUNTY CODE; ADOPTING A NEW CHAPTER 2.62 OF THE PIERCE COUNTY CODE, ENTITLED PARKLAND-SPANAWAY-MIDLAND LAND USE ADVISORY COMMISSION; ESTABLISHING AND CREATING A FIFTEEN-MEMBER ADVISORY COMMISSION; AND SETTING A SUNSET DATE.

ORDINANCE NO. 2003-92, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.83.040 OF THE PIERCE COUNTY CODE, "GEOGRAPHICAL BOUNDARIES", ADJUSTING THE JURISDICTIONAL BOUNDARIES OF THE ALDERTON-MCMILLIN ADVISORY COMMISSION.

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

PROPOSAL NO. R2003-118, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE PROCLAIMING THE WEEK OF NOVEMBER 10-14, 2003, TO BE "PIERCE COUNTY EMPLOYEE APPRECIATION AND RECOGNITION WEEK" IN PIERCE COUNTY, WASHINGTON.

Wimsett moved adoption; motion seconded and passed. The Clerk read the Proclamation into the record.

Marilyn Budd and Donna Brown, Pierce County Recognition Week Co-Chairs, accepted the Proclamation and acknowledged those in attendance who worked with the program. They thanked the Council for the Proclamation, and announced that the Employee Recognition Banquet will be held on Thursday, November 13, 2003.

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

PROPOSAL NO. R2003-135, A RESOLUTION OF THE PIERCE COUNTY COUNCIL PROCLAIMING NOVEMBER 7, 2003, TO BE "ZONTA CLUB OF TACOMA DAY", AND CALLING UPON THE PEOPLE OF PIERCE COUNTY TO JOIN THEIR FELLOW CITIZENS ACROSS THE STATE OF WASHINGTON IN RECOGNIZING THIS SPECIAL OBSERVANCE.

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

Joan Hutson, Zonta Club of Tacoma, accepted the Proclamation and thanked the Council for their support. She provided information on the Club.

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

PROPOSAL NO. R2003-140, AN EMERGENCY RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING STEVE GROSS AS AN INTERIM MEMBER OF THE PUBLIC FACILITIES DISTRICT BOARD OF DIRECTORS FOR THE PUBLIC FACILITIES DISTRICT CREATED BY PIERCE COUNTY AND THE CITIES OF TACOMA, LAKEWOOD, UNIVERSITY PLACE, AND FIFE; AND DECLARING AN EMERGENCY.

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

Staff Testimony

Long explained the urgency of the Proposal. The Proposal appoints interim appointments to allow the County to participate in the upcoming 5th annual meeting of the Public Facilities District.

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

VIII. ORDINANCES

PROPOSAL NO. 2002-131s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO CITY OF TACOMA, A MUNICIPAL CORPORATION, FOR LOCATION OF RAILROAD TRACKS ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

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

Staff Testimony

Les Olsen, Public Works & Utilities Department, stating this 15-year franchise would replace the current expired franchise. The Department supports the franchise.

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

PROPOSAL NO. 2003-74, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING THE CITY OF AUBURN, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN A SANITARY SEWER PIPELINE SYSTEM OVER, IN, ALONG, AND UNDER CERTAIN PUBLIC ROADS AND HIGHWAYS IN PIERCE COUNTY, WASHINGTON; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.

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

Staff Testimony

Olsen stated the 15-year franchise is a renewal of an existing expired franchise, and the Department supports the franchise.

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

PROPOSAL NO. 2003-97s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL LEVYING A SYSTEM OF SPECIAL ASSESSMENTS FOR THE PIERCE CONSERVATION DISTRICT OF \$5.00 PER PARCEL ON ALL BENEFITTING PROPERTIES IN THOSE PORTIONS OF THE PIERCE CONSERVATION DISTRICT LOCATED IN UNINCORPORATED PIERCE COUNTY AND THE MUNICIPALITIES OF FIRCREST, LAKEWOOD, MILTON, PUYALLUP, STEILACOOM, SUMNER, TACOMA, AND UNIVERSITY PLACE, FOR COLLECTION IN 2004 THROUGH 2006, PURSUANT TO REVISED CODE OF WASHINGTON 89.08.400; AUTHORIZING THE EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CONSERVATION DISTRICT; ADDRESSING THE APPOINTMENT OF COUNTY REPRESENTATION ON THE CONSERVATION DISTRICT'S OVERSIGHT PANEL; INCLUDING A SUNSET DATE; AND ADOPTING FINDINGS OF FACT.

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

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

Bunney explained the purpose of the amendment and asked for the Council's support.

David Swindale stated the City of University Place supports the amendment.

The amendment passed on a voice vote.

Wimsett moved adoption of Council Amendment No. 2 on the yellow; motion seconded. A copy of this amendment is included with these minutes as Attachment II.

Staff Testimony

Transue explained the purpose of the amendment, and stated it was technical in nature.

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

The Chair called for public testimony on the Proposal as amended.

Staff Testimony

Monty Mahan, Conservation District, provided background information on the Proposal, and commented on the projects that the funding will support. He commented on the District's accountability of the funding, and asked the Council for their support on passage of the Proposal.

Goings explained the four safety measures contained in the Proposal.

Bocchi thanked Goings for the Planning and Environment Committee's work on the Proposal, and commented on the importance of the Conservation District.

Gelman spoke in support of the Proposal in memory of Joe Graves, former City of Fife Mayor.

Public Testimony

Dick Muri, Councilmember-Elect, spoke in support of the Proposal.

Dave Seabrook spoke in opposition of the \$5.00 per parcel.

Pat McCullough spoke in support of the Proposal.

David Swindale, on behalf of City of University Place, spoke in support of the Proposal.

Alex Carkner spoke in support of the Proposal.

Ron Lucas, Mayor of Steilacoom, spoke in support of the Proposal.

Allan Zulauf, Puyallup River Watershed Council, spoke in support of the Proposal.

Richard Linbo spoke in support of the Proposal.

August Solar, Conservation District Board Member, spoke in support of the Proposal.

Al Schmauder, Chair of Clover Creek Council, spoke in support of the Proposal.

Wimsett commented on the importance of the Conservation District's work and stated reasons he will not be supporting the Proposal. A copy of the handout he provided is contained in the Ordinance file.

Lee supports the projects identified on the project list and appreciates Mahan's efforts on the Proposal. He stated why he will not be supporting the Proposal.

Bunney provided the reasons he will not be supporting the Proposal.

Goings agrees with Bunney, Wimsett, and Lee, concerning the Surface Water Management program, but stated the Council made a policy decision not to use those funds for conservation purposes. He spoke in support of passing the Proposal.

Bocchi spoke in support of passage of the Proposal, stating without passage conservation will fall by the wayside.

Gelman spoke in support of the Proposal, and believes the \$5.00 fee increase is an investment for farmland preservation.

Wimsett stated funds are available through Surface Water Management fees.

Moss commented on the Conservation District's surplus funds, and spoke in support of the Proposal. He stated he would like the Executive to make a presentation on the \$21 million surplus funding.

After Councilmembers' closing remarks on the Proposal, the Chair called for the question. The Proposal passed as amended on a roll call vote of four to three (Wimsett, Lee, and Bunney voted no).

PROPOSAL NO. 2003-99, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE CHAMBERS CREEK PROPERTIES STANDARDS AND GUIDELINES, APRIL 2003; ESTABLISHING STANDARDS AND GUIDELINES BY WHICH

DEVELOPMENT OF THE CHAMBERS CREEK PROPERTIES SHALL BE SUBJECT IN ACCORDANCE WITH SECTION 6 OF THE CHAMBERS CREEK PROPERTIES JOINT PROCEDURAL AGREEMENT.

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

Staff Testimony

Joe Scorcio, Public Works and Utilities Department, provided background information on the Proposal. He displayed photos of four property designs located at the Chambers Creek properties. He said the City of Lakewood and City of University Place have agreed to the Interlocal Agreements, and he asked that the Council support the Proposal.

Public Testimony

David Swindale, City of University Place, spoke in support of the Proposal.

Alton McDonald spoke to the issue of diversity being needed at the Chambers Creek building.

Lee, a co-sponsor of the Proposal, spoke in support of the Proposal.

The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. 2003-101, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RESPONDING TO THE SEPTEMBER 4, 2003, FINAL DECISION AND ORDER OF THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD REGARDING CASE NO. 02-3-0010; AMENDING CHAPTER 19B.40 OF THE PIERCE COUNTY CODE, PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN; AMENDING CHAPTER 18A.25, ZONE CLASSIFICATIONS AND USE TABLES, TO MODIFY THE ZONING ATLAS; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Sean Gaffney, Planning and Land Services Department, provided background information on the three areas that were appealed to the Hearings Board. He displayed and explained the proposed zoning map of the Midland area.

Public Testimony

Cindy Beckett, Midland Resident Association, spoke to the wetland issue.

Tiffany Speir, Master Builder's Association, spoke in support, and anticipates there will be no challenges on the Association's part.

The Proposal passed on a roll call vote of six to one (Wimsett voted no).

PROPOSAL NO. 2003-102, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, DISTRICT LODGE 160 ON BEHALF OF AUTOMOTIVE MACHINISTS LOCAL NO. 297; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

Staff Testimony

Debbie Young, Personnel Department, explained the Proposal, and responded to Bunney's questions regarding fiscal impacts, and previous contract changes.

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

IX. RESOLUTIONS

PROPOSAL NO. R2003-120, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING THE PROCESS FOR AMENDING TITLE 18A OF THE PIERCE COUNTY CODE, "PIERCE COUNTY DEVELOPMENT REGULATIONS - ZONING"; REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT TO DEVELOP PROPOSED AMENDMENTS TO ADDRESS MOTORCYCLE AND MOTOR BIKE TRACKS; REFERRING THESE AMENDMENTS TO THE PLANNING COMMISSION AND LAND USE ADVISORY COMMISSIONS; AND SETTING A DATE FOR THE PLANNING COMMISSION TO SUBMIT ITS REPORT AND RECOMMENDATION TO THE COUNCIL.

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

Staff Testimony

Graham explained the intent of the Proposal, stating it starts the process for new development regulations and requests the Planning and Land Services Department address code enforcement issues.

Bunney thanked Wimsett for initiating the Proposal, and acknowledged former State Representative and Mrs. Wayne Keiser, who were in the audience. Bunney asked staff to develop a parties of record list for this process.

Wimsett explained the Proposal was initiated due to constituents having problems in the area.

Graham stated interested person(s) names will be forwarded to the Planning and Land Services Department, and they will submit names to us after their meeting on the issue.

Public Testimony

Wayne Keiser presented and explained a handout of the problem motorcycle area. A copy of the handout and petition he presented is contained in the Ordinance file.

The Proposal passed on a roll call vote of seven to zero.

PROPOSAL NO. R2003-122s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING THE PROCESS FOR AMENDING TITLE 18A, "PIERCE COUNTY DEVELOPMENT REGULATIONS - ZONING" OF THE PIERCE COUNTY CODE TO ADDRESS NOISE ATTENUATING BARRIERS, BOARDING OF HORSES IN URBAN RESIDENTIAL ZONES, AND GENERAL CLEANUP; REFERRING THESE AMENDMENTS TO THE PLANNING COMMISSION AND LAND USE ADVISORY COMMISSIONS; AND SETTING A DATE FOR THE PLANNING COMMISSION TO SUBMIT ITS REPORT AND RECOMMENDATION TO THE COUNCIL.

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

Staff Testimony

Graham explained the intent of the Proposal, and the standards listed in Exhibit "A" to the Proposal.

Goings acknowledged and thanked Graham for her work on the Proposal.

Gaffney responded to questions regarding commercial horse boarding definition, acreage size, and noise complaints.

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Long responded to Gelman's question regarding noise complaints, stating that County Code 8.72 and 8.76 addresses this issue.

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

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS

1. Alton McDonald spoke to the recent shooting on Interstate 5. Moss responded to McDonald's comments.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:15 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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