

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 15, 2005**

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 3:10 p.m. by Chair Bunney.

II. ROLL CALL

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

Council Staff Present: Patty Face, Deputy Clerk; Steve Gross, Deputy Legal Counsel; Susan Long, Administrator for Legal and Operations; Carolyn Pendle, Senior Legislative Analyst; Hugh Taylor, Senior Legislative Analyst; and Thomas Weber, Administrator for Research and Policy.

There were approximately twenty visitors present.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

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

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 September 13, 2005, regular Council meeting.
- b. Action on Ordinances (refer, set date of hearing)
 1. PROPOSAL NO. 2005-83, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 1.26.060 OF THE

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PIERCE COUNTY CODE REGARDING THE COMPOSITION OF THE
PERFORMANCE AUDIT COMMITTEE.

Sponsored by: Councilmembers Shawn Bunney and Dick
Muri

Council contact person: Carolyn Pendle, 798-3631
DO PASS RECOMMENDATION - RULES AND OPERATIONS
COMMITTEE ON OCTOBER 31, 2005

Suggested date of Council hearing: December 13, 2005

2. PROPOSAL NO. 2005-95, AN ORDINANCE OF THE PIERCE
COUNTY COUNCIL ADOPTING A NEW CHAPTER 13.10 OF THE
PIERCE COUNTY CODE, "LATECOMERS AGREEMENTS FOR SEWER
FACILITIES"; AND AMENDING THE PIERCE COUNTY CODE,
SECTION 1.22.080, "EXAMINER - POWERS AND DUTIES,"
SECTION 13.04.070, "ASSESSMENTS - DEPOSITS -
CHARGES," AND SECTION 13.04.100, "CONNECTION CHARGE
ESTABLISHMENT," TO AUTHORIZE THE COUNTY, WITHIN ITS
SOLE DISCRETION, TO ENTER INTO LATECOMERS AGREEMENTS
THAT REIMBURSE PARTIES TO THOSE AGREEMENTS FOR A
PORTION OF THEIR COSTS.

Sponsored by: Councilmember Terry Lee

Department contact person: Steve Chanfrau, 798-4129
Council contact person: Thomas Weber, 798-6067

DO PASS RECOMMENDATION - ECONOMIC AND INFRASTRUCTURE
DEVELOPMENT COMMITTEE ON NOVEMBER 1, 2005

Suggested date of Council hearing: December 13, 2005

3. PROPOSAL NO. 2005-107, AN ORDINANCE OF THE PIERCE
COUNTY COUNCIL REMOVING THE WAUNA POST OFFICE
(PARCEL NO. 7860000370), LOCATED AT PURDY SAND SPIT
PARK, AT 7726 SR 302 NORTHWEST, KEY PENINSULA,
WASHINGTON, FROM THE PIERCE COUNTY REGISTER OF
HISTORIC PLACES; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmember Terry Lee

Department contact person: Airyang Julia Park, 798-
2783

Council contact person: Thomas Weber, 798-6067

For referral to the Rules and Operations Committee

Suggested date of Council hearing: December 13, 2005

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4. PROPOSAL NO. 2005-108, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO ANIMAL CONTROL; TRANSFERRING LICENSING AUTHORITY TO THE PIERCE COUNTY AUDITOR, ADDING A FEE FOR REPLACEMENT PET LICENSE TAGS, AND AMENDING TITLE 6, "ANIMALS," AND SECTION 9.42.040, "EXEMPTIONS FROM ANIMAL CONTROL CODE," OF THE PIERCE COUNTY CODE IN CONNECTION THEREWITH.
Sponsored by: Councilmember Barbara Gelman
Department contact persons: Vickie Chasco, 798-3716; and Jill Munns, 798-2123
Council contact person: Steve Gross, 798-7579
For referral to the Public Safety and Human Services Committee
To be heard by the Public Safety and Human Services Committee on November 29, 2005
Suggested date of Council hearing: December 13, 2005
5. PROPOSAL NO. 2005-109, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO LICENSING OF PET-RELATED BUSINESSES; TRANSFERRING LICENSING AUTHORITY TO THE PIERCE COUNTY AUDITOR, ADDING SHORT-TERM BOARDING FACILITIES TO THE TYPES OF BUSINESSES REQUIRED TO OBTAIN A LICENSE, AND AMENDING CHAPTER 5.24 OF THE PIERCE COUNTY CODE IN CONNECTION THEREWITH.
Sponsored by: Councilmember Barbara Gelman
Department contact persons: Vickie Chasco, 798-3716; and Jill Munns, 798-2123
Council contact person: Steve Gross, 798-7579
For referral to the Public Safety and Human Services Committee
To be heard by the Public Safety and Human Services Committee on November 29, 2005
Suggested date of Council hearing: December 13, 2005

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

d. Other Items

1. Motion to certify the following Budget Certification, and instruct the Clerk of the Council to forward the Certification to the Pierce County Assessor-Treasurer's Office, pursuant to the Revised Code of Washington (RCW) 84.52.020:

- Town of Steilacoom

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Lee 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 Ordinance, which was approved and signed on October 31, 2005, was read into the record:

ORDINANCE NO. 2004-85, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING SUPPLEMENTAL FRANCHISE NO. 1 TO THE CITY OF ORTING, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, FOR LOCATION OF SANITARY SEWER PIPELINES ON CERTAIN RIGHTS-OF-WAY.

Without objection Bunney suspended the rules and moved to Section IX. Resolutions.

PROPOSAL NO. R2005-137, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF TACOMA TO REPLACE THE PREVIOUS "AGREEMENT PROVIDING FOR CREATION AND OPERATION OF A COMBINED COUNTY CITY HEALTH DEPARTMENT" WITH A NEW AGREEMENT RELATIVE TO THE TACOMA PIERCE COUNTY HEALTH DEPARTMENT.

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

Pendle provided an overview of the Proposal.

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

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; there was no response. Councilmembers commented. The Proposal passed as amended on a roll call vote of seven to zero.

Without objection Bunney returned to the regular order of the business meeting.

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

PROPOSAL NO. R2005-149, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE SOUTH HILL ADVISORY COMMISSION. (JAMES R. DOWNS)

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

The Chair called for public testimony; there was no response.

Bush commended Mr. Downs for actively serving on the commission.

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

PROPOSAL NO. R2005-150, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE SOUTH HILL ADVISORY COMMISSION. (S. MICHAEL FENIMORE)

Lee moved adoption; motion seconded.

Bunney stated the applicant has withdrawn his name.

Bush stated the applicant has relocated and recommended the Council vote no.

The Chair called for public testimony; there was no response. The Proposal failed on a roll call vote of six to zero. (Timothy M. Farrell was excused.)

VIII. ORDINANCES

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

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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.

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

Gross briefed the Council and stated the Proposal received a do pass recommendation in the Economic and Infrastructure Development Committee on October 4, 2005.

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

PROPOSAL NO. 2005-74, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO JOPP WATER COMPANY, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

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

Weber briefed the Council and stated the Proposal received a do pass recommendation in the Economic and Infrastructure Development Committee on October 4, 2005.

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

PROPOSAL NO. 2005-77, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO THE CITY OF FIFE, A MUNICIPAL CORPORATION OF PIERCE COUNTY, WASHINGTON, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

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

Weber briefed the Council and stated the Proposal received a do pass recommendation in the Economic and Infrastructure Development Committee on October 4, 2005.

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

PROPOSAL NO. 2005-80s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RESPONDING TO THE FINAL DECISIONS AND ORDERS ISSUED BY THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD IN "TAHOMA AUDUBON SOCIETY, PEOPLE FOR PUGET SOUND, AND CITIZENS FOR A HEALTH BAY V. PIERCE COUNTY, PARK JUNCTIONS PARTNERS, AND SNOHOMISH COUNTY, CASE NO. 05 3 0004C" AND "BONNEY LAKE ET AL. V. PIERCE COUNTY, CASE NO. 05 3 0016C," REGARDING THE DESIGNATION AND PROTECTION OF MARINE SHORELINE CRITICAL SALMON HABITAT AND SHORELINE DENSITY EXCEPTIONS; AMENDING PIERCE COUNTY CODE SECTIONS 18.25.030, "DEFINITIONS," AND 18A.35.020, "DENSITY AND DIMENSION," AND PIERCE COUNTY CODE CHAPTERS 18E.10, "GENERAL PROVISIONS," AND 18E.40, "REGULATED FISH AND WILDLIFE SPECIES AND HABITAT CONSERVATION MEASURES"; ADOPTING FINDINGS OF FACT; AND ESTABLISHING AN EFFECTIVE DATE.

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

Taylor briefed the Council and stated the Proposal received a do pass as substituted recommendation in the Community Development Committee on November 7, 2005.

Debby Hyde, Special Projects Coordinator, spoke to handouts, including revision highlights of alternatives reviewed, and marine shoreline critical salmon habitat buffers. Hyde provided an update on communications with state agencies, including the Department of Community, Trade and Economic Development; the Puget Sound Action Team; Fish and Wildlife; and the Nisqually and Puyallup Tribes.

Lee moved Council Amendment No. 1 on tan; motion seconded. A copy of the amendment is identified as Attachment II to these minutes. Taylor summarized the amendment.

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

Public Testimony on the Proposal as Amended

Rick Sorrels, Sarah Dickson, Jim Dickson, Sam Cummings, Catherine Rudolph, Bryan Flint, John Parker, Ray Marko, and Tiffany Speir testified.

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Councilmembers and staff responded. The Proposal passed as amended on a roll call vote of seven to zero.

IX. RESOLUTIONS - None.

Without objection the Chair moved to Section XI. Citizens' Forum.

XI. CITIZENS' FORUM - Nobody testified.

X. OTHER BUSINESS/ANNOUNCEMENTS

The Chair stated Council would convene into Executive Session after a five-minute recess. The Chair recessed the meeting at 4:00 p.m. and reconvened the meeting at 4:05 p.m.

Long stated the Executive Session is pursuant to Revised Code of Washington 42.30.110,i(B) to discuss with legal counsel representing the County, litigation or potential litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

The Council convened into Executive Session at 4:07 p.m. until approximately 4:45 p.m.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:47 p.m.

Attest:

Patricia L. Face, Deputy Clerk

Approved:

Shawn Bunney, Council Chair

Date Approved

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