

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 16, 2004**

SUMNER CITY HALL COUNCIL CHAMBERS
1104 MAPLE STREET
SUMNER, WA
(COUNCIL DISTRICT NO. 1)

(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018
www.co.pierce.wa.us/council

(Note: These minutes are not verbatim. Recorded tapes are available upon request.)

I. CALL TO ORDER

The District No. 1 meeting of the Pierce County Council was called to order at 5 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss.

III. ROLL CALL

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

Council Staff Present: Denise Johnson, Clerk of the Council; Steve Gross, Deputy Legal Counsel; Duane Rivera, Councilmember Assistant; Leslie Swalley, Councilmember Assistant; Tom Weber, Administrator/ Research & Policy; and Victoria Woodards, Councilmember Assistant.

There were approximately 17 visitors present.

Moss thanked the community for the support shown to the County Council, and he passed the gavel to Bunney, Host Councilmember.

The Councilmembers introduced themselves and explained the area their District encompasses.

The Chair introduced elected officials in attendance: Mayor Barbara Skinner, City of Sumner; Dave Enslow, Sumner City Councilmember, and Leslie Sokolik, Orting City Councilmember. Each provided comments to the Council.

The Chair introduced the County staff in attendance.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

Moss 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 29, 2004, was read into the record:

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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.

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS - None

VIII. ORDINANCES

PROPOSAL NO. 2004-55s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO PUGET SOUND ENERGY, INC., OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC LINES ON CERTAIN RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

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

Staff Testimony

Weber stated the Proposal received a do pass as substituted recommendation by the Economic and Infrastructure Development Committee on September 21, 2004.

Bruce Duncan, Public Works and Utilities Department, explained the Proposal would replace the expired franchise for a term of 20 years. The franchise is a County-wide franchise.

Public Testimony

Gary Nomensen, Puget Sound Energy, expressed his appreciation of working with the County and spoke in support of the Proposal. He thanked Moss for his dedication and strong collaboration.

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

PROPOSAL NO. 2004-71, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE CHAPTER 12.32, "RIGHT-OF-WAY FRANCHISES FOR PUBLIC AND PRIVATE UTILITIES"; AMENDING CHAPTER 12.34, "TELECOMMUNICATIONS USERS OF PIERCE COUNTY RIGHTS-OF-WAY", TO ADD A NEW SECTION 12.34.865, "STANDARDS ADOPTED"; AMENDING SECTION 17B.10.060, "STANDARDS ADOPTED"; AND ADOPTING THE "MANUAL ON ACCOMMODATING UTILITIES IN PIERCE COUNTY RIGHT-OF-WAY," 4TH EDITION.

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

Staff Testimony

Gross stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on October 5, 2004. He explained the Proposal provided updates and technical changes to the City's right-of-way manual as it relates to utilities in public right-of-way.

Duncan explained the Proposal will provided technical corrections to the existing manual. The new manual is a

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result of two years of negotiations with the utilities companies.

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

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.

Moss 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.

Duncan stated the Proposal will supercede and replace all previous franchise agreements for a term of 15 years.

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

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.

Moss 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.

Duncan explained the Proposal would renew an expiring franchise for a term of 15 years.

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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. 2004-93s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE VIDEO DIGITAL SUBSCRIBER LINE (VDSL) CABLE FRANCHISE TO YCOM NETWORKS, INC., FOR A VDSL CABLE SYSTEM IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE SYSTEM; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

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

Staff Testimony

Gross stated the Proposal received a do pass as substituted recommendation by the Economic and Infrastructure Development Committee on October 19, 2004. He explained the Proposal would grant a 10-year franchise to YCOM Network to provide video service over telephone lines.

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

Gross explained the amendment and stated the service area of YCOM.

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 amended Proposal; there was no response.

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

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PROPOSAL NO. 2004-113, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH WASHINGTON ALLIANCE OF TECHNOLOGY WORKERS, LOCAL 37083 OF THE NEWSPAPER GUILD, COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO, CLC; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

Moss 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 November 8, 2004.

Joe Carrillo, Pierce County Labor Relations Manager, explained the Proposal ratifies an agreement reached with the Local 37083. In response to Bunney's questions, Carrillo stated five employees are represented and there are 21 bargaining units in the County.

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

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Bob Drewel, Executive Director, Puget Sound Regional Council - not present.
2. Kjristine Lund, Regional Transportation Investment Board

At 5:40 p.m. the business meeting recessed due to video equipment technical difficulty; at 5:45 p.m. the business meeting reconvened.

Kjristine Lund provided a PowerPoint presentation on regional transportation issues. After the presentation, she answered questions of Councilmembers. A copy of the handouts provided is included in the Clerk's meeting file. Lisa Revelle assisted in the presentation.

3. Tim Bean, Legislative Liaison for Bridge for Kids, provided a briefing on the Emergency Transportation Corridors project.

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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 6:34 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved

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