

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
NOVEMBER 29, 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 3:00 p.m. by Chair Bunney.

**II. 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.

**III. ROLL CALL**

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

Council Staff Present: Anna Graham, Senior Research Analyst; Steve Gross, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Susan Matthew, Councilmember Assistant; Linda Medley, Legal Clerk; and Tom Weber, Administrator for Research and Policy.

There were approximately 40 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)
- c. Action on Resolutions (refer, set date of hearing)

- 1. PROPOSAL NO. R2005-153, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE CHAIR OF THE PIERCE COUNTY COUNCIL TO SIGN AN EXTENSION OF THE PERSONAL SERVICES CONTRACT FOR HEARING EXAMINER SERVICES; AND AUTHORIZING THE DIRECTOR OF BUDGET AND FINANCE TO

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DISBURSE EXPENDITURES IN CONNECTION THEREWITH.  
Sponsored by: Councilmember Shawn Bunney  
Council contact person: Steve Gross, 798-7579  
For referral to the Rules and Operations Committee  
Suggested date of Council hearing: December 13, 2005

2. PROPOSAL NO. R2005-154, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ADOPTING THE ROAD HOME: HOMELESS HOUSING AND ASSISTANCE PLAN TO REDUCE HOMELESSNESS BY FIFTY PERCENT BY 2015 IN PIERCE COUNTY, WASHINGTON.

Sponsored by: Councilmember Shawn Bunney  
Department contact person: Elinor Ottey, 798-7381  
Council contact person: Carolyn Pendle, 798-3631  
For referral to the Rules and Operations Committee  
Suggested date of Council hearing: December 13, 2005

d. Other Items

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

- Bethel School District
- City of Fircrest
- City of Gig Harbor
- City of University Place
- Pierce County Fire Protection District 5
- Pierce County Fire Protection District 16
- Pierce County Rural Library District
- South Pierce Fire and Rescue No. 15
- Tacoma School District No. 10

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 November 9, 2005, was read into the record:

ORDINANCE NO. 2005-70s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2005 AMENDMENTS TO THE PIERCE COUNTY COMPREHENSIVE PLAN; AMENDING TITLE 19A OF THE PIERCE COUNTY CODE, "COMPREHENSIVE PLAN," CHAPTER 19C.10, "PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE

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PLAN," CHAPTER 19B.10, "GIG HARBOR PENINSULA COMMUNITY PLAN," CHAPTER 19B.30, "THE FREDERICKSON COMMUNITY PLAN," CHAPTER 19B.40, "THE PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN," CHAPTER 19B.80, "THE UPPER NISQUALLY VALLEY COMMUNITY PLAN," AND CHAPTER 19B.90, "THE SOUTH HILL COMMUNITY PLAN"; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

**PROPOSAL NO. R2005-148, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE COMMENDING DANIEL C. CAGLE, FOR OVER 31 YEARS OF SERVICE TO PIERCE COUNTY, WASHINGTON, AND DECLARING DECEMBER 16, 2005, AS "DAN CAGLE DAY" IN PIERCE COUNTY.**

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

Public Testimony

John Ladenburg, County Executive, on behalf of all citizens of Pierce County, thanked Cagle for his dedicated service to the County.

Cagle thanked the County Executive and the Council for their recognition.

Councilmember Comments

Bunney thanked Cagle for working with the Council, and wished him well in his retirement.

Gelman commended Cagle on his 31 years of service to Pierce County.

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

The Chair presented the Proclamation to Cagle.

**PROPOSAL NO. R2005-155, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE HONORING GERALD SCHMITZ FOR HIS CONTRIBUTION TO THE ADVANCEMENT OF EFFICIENT AND EFFECTIVE PERFORMANCE AUDITING AND THANKING HIM FOR HIS YEARS OF DEDICATED SERVICE TO THE PIERCE COUNTY PERFORMANCE AUDIT COMMITTEE.**

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Lee moved adoption; motion seconded. The Chair read the Proclamation in its entirety into the record.

Bunney thanked Schmitz for his work on the Performance Audit Committee.

#### Public Testimony

Executive Ladenburg, on behalf of all citizens of Pierce County, thanked Schmitz for his work on the committee. Ladenburg spoke in appreciation of Schmitz's background and expertise.

Matt Temmel, Performance Audit Coordinator, spoke in appreciation of Schmitz's service to the Committee. Temmel presented Schmitz with the December 1, 2005, "yellow" packet folder.

Schmitz thanked the Executive and Council for their recognition, and he spoke to his work on the Committee. He paid tribute to former Councilmember Jim Salatino for starting him on his political journey.

#### Councilmember Comments

Muri spoke in appreciation of Schmitz's service on the Committee.

Gelman thanked Schmitz for his service on the Committee.

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

The Chair presented the Proclamation to Schmitz.

**PROPOSAL NO. R2005-156, A RESOLUTION OF THE PIERCE COUNTY COUNCIL WELCOMING THE DELEGATION FROM SUMMIT COUNTY, OHIO, AND PROCLAIMING NOVEMBER 29, 2005, AS "SUMMIT COUNTY, OHIO DAY" IN PIERCE COUNTY, WASHINGTON.**

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

Bunney explained the purpose of the delegation's visit to the Council office.

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Public Testimony

Mr. Smith, Summit County Commissioner, thanked the Executive, the Council, and Council staff for welcoming the delegation to Pierce County. He spoke to the new ideas that the delegation will be taking to Summit County.

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

The Chair presented the Proclamation to Smith.

**VIII. ORDINANCES**

**PROPOSAL NO. 2005-76, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NOS. 2003-89s2 AND 2003-90s2 TO REPEAL THE SUNSET DATES FOR THE FORMATION OF THE CONSOLIDATED PARKLAND-SPANAWAY-MIDLAND AND MID-COUNTY LAND USE ADVISORY COMMISSIONS.**

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

Staff Testimony

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

Graham explained the Proposal removes the December 31, 2005, sunset date to allow continuation of the consolidated commissions.

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

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

**PROPOSAL NO. 2005-84s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING AMENDMENTS TO THE PIERCE COUNTY CODE, CHAPTER 18.25, "DEFINITIONS," TITLE 18A, "PIERCE COUNTY DEVELOPMENT REGULATIONS-ZONING," AND TITLE 18J, "DEVELOPMENT REGULATIONS-DESIGN STANDARDS AND GUIDELINES"; ADDRESSING MINIMUM DENSITY REQUIREMENTS, RECREATIONAL VEHICLE PARKS, PARKING STANDARDS, RURAL PATHWAYS, SR 7 STREETSCAPE PLANTINGS, GIG HARBOR PENINSULA STANDARDS, AND OTHER CLARIFYING AND TECHNICAL AMENDMENTS AFFECTING VARIOUS USE TYPES, DESIGN STANDARDS, AND DEFINITIONS; ADOPTING FINDINGS OF FACT; AND SETTING AN EFFECTIVE DATE.**

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

Staff Testimony

Graham reported the Proposal was heard three times by the Community Development Committee. The proposal received a do pass as substituted recommendation on November 16, 2005. Graham explained the Proposal includes updates and cleanup that the Planning and Land Services Department has found over time.

Sean Gaffney, Planning and Land Services Department, addressed how the Department is handling the recently passed Council legislation.

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

Councilmember Comments

Bush expressed his appreciation regarding the rural pathway.

Farrell thanked Gelman for her work on the State Route 7 project.

Lee thanked Gaffney for this work on the espresso stands issue.

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

**PROPOSAL NO. 2005-104, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE), LOCAL 612 SUPERVISORS; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.**

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

Staff Testimony

Long reported the Proposal received a do pass recommendation by the Rules and Operations Committee on November 24, 2006, and she informed the Council Human Resources Department staff was available for questions.

Michael Taft, Human Resources, provided information on the Proposal.

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

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

**PROPOSAL NO. 2005-105, 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. OST102-04, CHRISTOPHER AIUTO AND JOLING MEW - HIGHLAND MEADOWS AREA AND APPLICATION NO. OST104-04, MAITLAND MCKENZIE - FOREST GROVE AREA)**

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

Staff Testimony

Gross reported the Proposal received a do pass recommendation by the Rules and Operations Committee on November 21, 2005. Gross explained the Proposal.

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

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

**PROPOSAL NO. 2005-106, 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. OST63-04, JEFF E. AND VICKY R. SHANNON - WILLOW LAKE AREA; APPLICATION NO. OST64-04, JAIR B. ROBLES - HIGHLAND MEADOWS AREA; APPLICATION NO. OST66-04, WESTBROOKE LLC - SILVER LAKE HIGHLANDS AREA; APPLICATION NO. OST67-04, WESTBROOKE LLC - SILVER LAKE HIGHLANDS AREA; APPLICATION NO. OST68-04, NICHOLAS L. MARTIN AND JOHN W. AND LINDA L. MARTIN - HIGHLAND MEADOWS AREA; APPLICATION NO. OST69-04, DEBORAH D. HENLEY AND STEVEN J. NORRIS - WILLOW LAKE AREA; APPLICATION NO. OST71-04, JONG C. LEE, MYUNG N. PARK, SAM S. AND KWANG I. HONG - HIGHLAND MEADOWS AREA)**

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

Staff Testimony

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Gross reported the Proposal received a do pass recommendation by the Rules and Operations Committee on November 21, 2005. Gross explained the Proposal.

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

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

**PROPOSAL NO. 2005-111, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING A TEMPORARY ONE-TIME LIMITED EXEMPTION FROM THE PROVISIONS OF THE PIERCE COUNTY CHARTER ARTICLE 7, "PERSONNEL SYSTEM," AND THE PIERCE COUNTY CODE TITLE 3, "PERSONNEL," TO FACILITATE THE TRANSFER OF PERSONNEL AND FUNCTIONS OF THE TACOMA-PIERCE COUNTY HEALTH DEPARTMENT HELPLINE, PURSUANT TO THE EXEMPTION AUTHORITY SET FORTH IN THE PIERCE COUNTY CHARTER, SECTION 7.20 (1) (H); AND DECLARING AN EMERGENCY.**

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

#### Staff Testimony

Long stated the Proposal was not heard in Committee. She informed the Council that Human Resources staff is in attendance to answer questions.

Joe Carrillo, Human Resources, explained the Proposal allows two Tacoma-Pierce County Health Department employees to transfer to the County.

#### Public Testimony

Ann Eft, Domestic Violence Coordinator, questioned if the employees will be employed by the Health Department or the County.

At the direction of the Chair, Carrillo explained the rules of transferring employees from one service to another service.

After discussion, it was determined that the employees will be employed by the Health Department and the employees will not lose their rate of accrual for vacation.

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

**IX. RESOLUTIONS**

**PROPOSAL NO. R2005-140, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REFERRING THE GARFIELD STREETScape IMPROVEMENT PLAN TO THE DEPARTMENT OF PLANNING AND LAND SERVICES FOR ENVIRONMENTAL REVIEW; INITIATING THE DEVELOPMENT OF IMPLEMENTING REGULATIONS; REFERRING THE PLAN AND IMPLEMENTING REGULATIONS TO THE PLANNING COMMISSION AND PARKLAND-SPANAWAY-MIDLAND LAND USE ADVISORY COMMISSION FOR REVIEW AND RECOMMENDATION; AND REQUESTING THE PUBLIC WORKS AND UTILITIES DEPARTMENT TO INITIATE ANY NEEDED MODIFICATIONS TO ROAD STANDARDS AND OTHER DEPARTMENT MANUALS AND POLICIES TO FACILITATE IMPLEMENTATION OF THE PLAN.**

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

Staff Testimony

Graham reported the Proposal received a do pass recommendation by the Community Development Committee on November 2, 2005. The Proposal is a result of the work done by the Garfield Street Activity Center Task Force.

Sean Gaffney, Planning and Land Services Department, provided an overview of and an update on the Garfield Streetscape Improvement Plan.

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

Graham explained the amendment adds the Garfield Street Guidelines to the Resolution.

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

The amendment passed on a voice vote.

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

Public Testimony

Ken Scott provided background information on the Garfield Streetscape Plan. The Chair allowed Scott to show a PowerPoint presentation on the Garfield Street Activity

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Center. A copy of the presentation material is contained in the Resolution file.

Paul Ellis, Tacoma-Pierce County Chamber of Commerce, spoke in support of the Proposal and the Plan. Ellis recognized Gelman, the Council, and the Parkland community for supporting the Plan.

Mark Mullen spoke in support of the Streetscape Plan, and he thanked Gelman, Toby Rickman, Susan Matthew, and Sean Gaffney for their assistance.

Alton McDonald spoke to the community expansions.

Goings expressed his appreciation to Gelman and the former community board members for their work on the project.

Farrell thanked Gelman for the Plan.

Gelman expressed her gratitude to the community for its involvement in the formation of the Plan.

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

**PROPOSAL NO. R2005-151, A RESOLUTION OF THE PIERCE COUNTY COUNCIL RATIFYING, AS REQUIRED BY PIERCE COUNTY CODE 2.110.120, THE SALE OF THE SURPLUS COUNTY-OWNED REAL PROPERTY LOCATED AT 1425 210TH AVENUE EAST, SUMNER, WASHINGTON.**

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

#### Staff Testimony

Gross explained the Proposal is the second step of a two-step process to ratify the sale of the property. The Proposal received a do pass recommendation by the Rules and Operations Committee on November 28, 2005.

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

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

The Chair suspended the Rules to advance to Item 2. of Section X. and to Section XI. of the Agenda.

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**X. OTHER BUSINESS/ANNOUNCEMENTS**

2. Lee moved to amend the December 5-9, 2005, Council Meeting Schedule as follows:

Delete Proposal No. R2005-154, from the December 5, 2005, Rules and Operations Committee Meeting Agenda: PROPOSAL NO. R2005-154, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ADOPTING THE ROAD HOME: HOMELESS HOUSING AND ASSISTANCE PLAN TO REDUCE HOMELESSNESS BY FIFTY PERCENT BY 2015 IN PIERCE COUNTY, WASHINGTON.

The motion was seconded and passed on a voice vote (Farrell voted no).

**XI. CITIZENS' FORUM**

1. Alton McDonald expressed his concern regarding the Domestic Violence Justice Center, and the purchase of the Chamber Bay Golf Course.

The Chair returned to regular order of business, Item 1. of Section X. of the Agenda.

**X. OTHER BUSINESS/ANNOUNCEMENTS (cont'd)**

1. EXECUTIVE SESSION:

Discussion of pending litigation pursuant to Revised Code of Washington (RCW) 42.30.110(1)(i), to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

The Chair announced the Council will be in Executive Session for 30 minutes.

Long explained the authorization of the Executive Session to discuss litigation on potential litigation.

At 4:30 p.m. and the Council went off the record and entered into Executive Session.

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At 5:00 p.m. the Council went back on record. The Chair announced the Council will be in Executive Session for an additional 30 minutes, ending at 5:30 p.m. The Council went back off the record.

At 5:30 p.m. the Council went back on the record to conclude the Executive Session.

**XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:30 p.m.

Attest:

\_\_\_\_\_  
Denise D. Johnson, Clerk of the Council

Approved:

\_\_\_\_\_  
Shawn Bunney, Council Chair

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

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