

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
DECEMBER 7, 2004**

GOVERNOR JOHN R. ROGERS HIGH SCHOOL  
PERFORMING ARTS CENTER  
12801 86<sup>TH</sup> AVENUE EAST  
PUYALLUP, WASHINGTON  
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**(Note: These minutes are not verbatim. Recorded tapes are available upon request.)**

**I. CALL TO ORDER**

The District 3 Evening meeting of the Pierce County Council was called to order at 5:20 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 Armed Forces.

**III. ROLL CALL**

Calvin Goings, Terry Lee, Harold Moss, Dick Muri, and Kevin Wimsett. Councilmembers Shawn Bunney and Harold Moss were excused at the time of the roll call. Councilmember Barbara Gelman was excused.

Council Staff Present: Jenifer Schultz, Acting Clerk of the Council; Susan Long, Administrator for Legal and Operations; Tom Weber, Administrator for Research and Policy; Anna Graham, Research Analyst; Hugh Taylor, Research Analyst; Carolyn Pendle, Research Analyst; Steve Gross, Acting Legal Counsel; Christine Wilson, Mary Sherman, and Leslie Swalley, Councilmember Assistants.

There were approximately 41 visitors present.

The Pierce County Councilmembers introduced themselves and explained the area their Council District encompasses. The Chair introduced the County Staff present at the meeting.

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

PROPOSAL NO. 2004-126, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO GRAHAM HILL MUTUAL WATER COMPANY, INC., FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

Sponsored by: Councilmember Shawn Bunney

Contact person: Jerry West, 798-3687

For referral to the Economic and Infrastructure Development Committee

- c. Action on Resolutions (refer, set date of hearing)
- d. Other Items
  1. Motion to certify Budget Certifications, and instruct the Clerk of the Council to forward the Revised Certification to the Pierce County Assessor-Treasurer's Office, pursuant to Revised Code of Washington (RCW) 84.52.020:

- City of Edgewood
- City of Puyallup
- Fire Protection District No. 26
- Port of Tacoma
- Puget Sound Educational Service District

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**

1. A message from the Executive transmitting the following Ordinances, which were approved and signed on November 23, 2004:

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ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE NO. 2004-113, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH WASHINGTON ALLIANCE OF TECHNOLOGY

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WORKERS, LOCAL 37083 OF THE NEWSPAPER GUILD,  
COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO, CLC; AND  
AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

**PROPOSAL NO. R2004-161, A RESOLUTION OF THE PIERCE COUNTY COUNCIL  
COMMENDING COUNCILMEMBER KEVIN WIMSETT FOR HIS DEDICATED SERVICE  
TO PIERCE COUNTY.**

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

Each Councilmember thanked Wimsett for his leadership and  
service during his term on the Council between the years 2001  
and 2004.

Public Testimony

Betsy Stubbs and Sherri Bails presented Wimsett with a plaque  
from the South Hill Community Council and thanked him for his  
help in making changes to the South Hill community and  
improving their quality of life.

Tom Weber on behalf of the staff of the Pierce County Council  
thanked Wimsett for his service to Pierce County and stated  
that it has been a pleasure to work with him and Mary Sherman,  
his Assistant. He wished him well in his future endeavors.

Debby Hyde, Special Project Staff for the Executive, thanked  
Wimsett for his hard work on the passage of the Directions  
Package.

Dave Morrell thanked Wimsett for his good governance on the  
Council and voiced his appreciation for his commitment.

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Gil Hulsman thanked Wimsett for his work on community development. He said he was sorry to see Moss and Wimsett leave the Council because they add dynamics to the process.

Wimsett thanked everyone for their kind comments and thanked his Assistant, Mary Sherman for her hard work and friendship. He presented her with a gift. He also thanked his parents for their support.

The Proclamation was adopted on a roll call vote of six to zero.

**PROPOSAL NO. R2004-162, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING ONE NEW MEMBER TO THE ANDERSON ISLAND CITIZENS' ADVISORY BOARD (PHYLLIS ZANDER-BROWN).**

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

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

The Proposal was adopted on a roll call vote of 6-0.

**VIII. ORDINANCES**

**PROPOSAL NO. 2004-24s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING PORTIONS OF SNELLSTROM-BUSH COUNTY ROAD AND 78TH AVENUE EAST LOCATED IN SECTION 17, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE GRAHAM AREA.**

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

Staff Testimony

Weber provided a brief explanation.

Bruce Duncan, Public Works and Utilities Department, gave a history of Snellstrom-Bush County Road and explained in detail the reason for the vacation.

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

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**PROPOSAL NO. 2004-72s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO FIREARMS PROHIBITED OR RESTRICTED AREAS, AMENDING SECTIONS 9.32.010, 9.32.070, AND 9.32.080, ADOPTING NEW SECTIONS 9.32.075 AND 9.32.076 TO ADD REQUIREMENTS; AND ADOPTING A NEW CHAPTER 2.79 OF THE PIERCE COUNTY CODE TO CREATE A PIERCE COUNTY FIREARMS ADVISORY COMMISSION.**

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

#### Staff Testimony

Weber stated that Proposal No. 2004-72s was heard in the Economic and Infrastructure Development Committee and was given a do pass as substituted recommendation.

Muri stated that passage of Proposal No. 2004-72s, will give the public a formal process to address proposed no shooting zone areas in their communities.

Goings spoke in support of the proposal and stated a formal process is overdue.

Wimsett stated that this will address the safety issues that go hand in hand with no shooting zones. He supports adopting a formal process.

#### Public Testimony

Lynette Carlson talked about the harassment of neighbors with gunfire. She spoke in support of the proposal.

Allen Hodges spoke in support of the passage of Proposal No. 2004-72s and stated that the proposal is need for safety.

Joe Price spoke in support of the proposal and is concerned for the safety of rural neighborhoods.

Brad Anderson requested that the existing no shooting zones be grandfathered in.

Goings stated that it is important to form the Pierce County

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Firearms Advisory Commission to review the no shooting zone petitions. He stated that the existing no shooting zones in place today should not be affected.

Lee stated that he is not sure the proposal will address the problems that exist at Palmer Lake and Crater Lake today, but it is a beginning and a step forward to address no shooting issues in Pierce County. He stated that the ultimate decision lies with the Council, but we are trying to get input from the Community.

Muri stated that the formation of the Firearms Advisory Commission is necessary to make sure all interest groups are heard and petitions are reviewed appropriately.

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

**PROPOSAL NO. 2004-112s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE PIERCE COUNTY CODE (PCC), CHAPTER 2.97, "CONSERVATION FUTURES FUND ALLOCATION AND SELECTION CRITERIA", CHAPTER 2.114, "CURRENT USE ASSESSMENT ADMINISTRATIVE PROCEDURES", TITLE 19 APPENDIX A, "GLOSSARY", AND CHAPTER 19D.170, "PIERCE COUNTY OPEN SPACE PRIORITIES"; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.**

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

Graham provided an explanation of the proposal and stated that the proposal was heard before the Community Development Committee and passed with a do pass as substituted recommendation.

Kathryn Brooks explained the process that went into the Biodiversity

#### Public Testimony

Beverly Ernst spoke in support of the proposal.

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

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**PROPOSAL NO. 2004-120, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2003-103s; DELETING TEXT AMENDMENT T-8 AND MAP AMENDMENT M-12, AND RELATED FINDINGS OF FACT; IN RESPONSE TO A FINAL DECISION AND ORDER OF THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD IN "ORTON FARMS ET AL. V. PIERCE COUNTY, CASE NO. 04-3-0007c".**

Lee moved Proposal No. 2004-120; motion seconded. The Clerk read the title into the record.

Staff Testimony

Graham gave a history of the proposal and explained that passage of the proposal is needed for consistency and housekeeping purposes.

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

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

**IX. RESOLUTIONS**

**PROPOSAL NO. R2004-140, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS SUPPORT OF THE WATERSHED PLANNING IN WATER RESOURCE INVENTORY AREAS 25 AND 26, WHILE WITHDRAWING FROM WATERSHED PLANNING IN THE GRAYS-ELOCHOMAN AND COWLITZ PLANNING AREA, WATER RESOURCE INVENTORY AREAS 25 AND 26.**

Lee moved Proposal No. R2004-140; motion seconded. The Clerk read the title into the record.

Staff Testimony

Debby Hyde stated that there are five watershed areas in Pierce County, and explained that Pierce County has no jurisdiction over the Cowlitz River because it is within a national park.

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

**PROPOSAL NO. R2004-156, 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 104TH STREET SOUTHWEST AND 87TH AVENUE SW IN LAKEWOOD, WASHINGTON.**

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

Staff Testimony

Weber provided an explanation of the proposal.

Jennifer Walker, Public Works and Utilities Department, stated that a bid process did take place and the purchase price of the property was \$7,400,010.

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

**X. OTHER BUSINESS/ANNOUNCEMENTS**

1. Presentation on Heritage Recreation Center - Jan Wolcott, Director, Parks and Recreation Services; and Bruce Dees, Project Consultant.

Wimsett thanked Wolcott and Dees for their presentation.

Wimsett announced that under his authority and with his discretion as Chair, the televised portion of the meeting is concluded.

**XI. GENERAL PUBLIC COMMENTS**

1. Betsy Stubbs acknowledged Moss for his great work on the Pierce County Council and wished him well during his retirement.
2. Larry Hawkins, resident of Gem Heights, voiced a concern with the lack of sidewalks, gutters and proper lighting along 160<sup>th</sup> Street to 176<sup>th</sup> Street, which runs through Gem Heights subdivision. He presented photos of the road as they exist today and requested improvements in the area. Copies of the photos are contained in Clerk's meeting file.

Wimsett encouraged Hawkins to put his comments in writing and send them to the Council.

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There being no further business, the meeting was adjourned at  
7:05 p.m.

Attest:

\_\_\_\_\_  
Jenifer Schultz, Acting Clerk of the Council

Approved:

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

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