



King County
Meeting Proceedings

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Metropolitan King County Council

*Councilmembers: Dow Constantine, Chair;
Bob Ferguson, Vice Chair of Policy;
Jane Hague, Vice Chair for Administration and Finance;
Reagan Dunn, Larry Gossett, , Kathy Lambert, Julia Patterson, Larry
Phillips,
Pete von Reichbauer*

Room 1001

March 2, 2009

11:00 AM

Added Items - Items 38-39

1. **Call to Order**

The meeting was called to order at 11:09 a.m.

2. **Roll Call**

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Present: Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Phillips,
Mr. Gossett, Ms. Patterson and Mr. Dunn

3. **Flag Salute and Pledge of Allegiance**

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Ms. Lambert led the flag salute and Pledge of Allegiance.

4. **Approval of Minutes of February 23, 2009**

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*Ms. Hague moved to approve the minutes of the February 23, 2009 meeting as presented. Seeing no
objection, the Chair so ordered.*

5. **Additions to the Council Agenda**

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Items 37 and 38 were added to the agenda.

6. **Swearing In**

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Anne Harper - West Division District Court Judge

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*Before swearing in Judge Anne Harper, Chief Presiding Judge Barbara Linde thanked the Council
for its efforts in the selection process. After being sworn in, Judge Harper thanked the Council. She*

also introduced her husband and daughter.

7. Special Items

Presentation of a Proclamation declaring March 2009 as Women's History Month

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Kathy Van Olst, Director, King County Department of Adult and Juvenile Detention, joined Councilmembers Hague, Lambert and Patterson in reading the recognition.

Presentation of a Recognition to Dr. Shannon Harvey, Principal of Cascade Elementary School, upon being awarded the Milken Family Foundation National Educator Award

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Ms. Patterson described the Milken Family Foundation National Educator Award and stated that Dr. Shannon Harvey is the only person in the State of Washington to receive the award. She and Mr. Dunn read and presented the recognition to Dr. Shannon Harvey. Dr. Harvey thanked the Council.

8. Reports on Special and Outside Committees

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Mr. Phillips reported on the Cedar River Council. The Council continues to discuss the recent flooding in the Cedar River valley and the Maple Valley community. The Council has heard from citizens and Mr. Phillips stated that communication between citizens and King County continues to improve. The Council is reviewing the legislation that was recently introduced regarding better flood response.

Mr. Dunn also made comments about the ordinances that are being reviewed.

Ms. Patterson reported on the Puget Sound Regional Council's Executive Board. She spoke about the recent passing of the stimulus plan and how the PSRC will distribute funds, which will equal \$41 million. Staff has compiled a list of projects. Some of the projects include investing in vehicle maintenance for buses in King County, and acquiring hybrid buses to replace old ones that are wearing out. The Executive Board must approve this list.

Motions, from Standing Committees and Regional Committees, for Council Action

Consent Item 9

9. [Proposed Motion No. 2009-0080](#)

Mr. Gossett

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A MOTION concerning untimely filed petitions for tax refunds in the amount of \$41,483.00; authorizing treasury operations to make the refunds.

The enacted number is 12930.

This Matter was Passed on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Ms. Hague that the Consent Agenda be passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips,
Ms. Patterson and Mr. Dunn
No: 0
Excused: 1 - Mr. Ferguson

First Reading of and Action on Motions Without Referral to Committee

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10. [Proposed Motion No. 2009-0149](#) **Mr. Phillips and Mr. Constantine**

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A MOTION adopting an amended version of King County's 2009 State Legislative Agenda and King County's 2009 Statement of State Policy; and rescinding Motion 12909.

The enacted number is 12931.

Mr. Dunn moved to suspend the rules in order to take action on Proposed Motion 2009-0149 without referral to committee. The motion carried.

Nick Wagner, council staff, answered questions of the Council.

A motion was made by Mr. Dunn that this matter be Passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn
No: 0
Excused: 1 - Mr. Ferguson

11. Hearing Examiner Consent Agenda Items 12-15

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12. [Proposed Substitute Ordinance No. 2008-0469.2](#) **Ms. Patterson and Mr. Constantine**

AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Joe and Elizabeth Miles for property located at 24845 156th Avenue SE, Kent, WA 98042, designated department of natural resources and parks, water and land resources division file no. E08CT015.

The enacted number is 16370.

This Matter was Passed on the Consent Agenda.

13. [Proposed Substitute Ordinance No. 2008-0471.2](#) **Ms. Patterson and Mr. Constantine**

AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Lawrence Pendlebury for property located at 23912 SE 448th Street, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E08CT018.

The enacted number is 16371.

This Matter was Passed on the Consent Agenda.

14. [Proposed Substitute Ordinance No. 2008-0472.2](#) **Ms. Patterson and Mr. Constantine**
 AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Jennifer Foege for property located at 22930 Landers Road SW, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division file no. E08CT019.
The enacted number is 16372.
This Matter was Passed on the Consent Agenda.
15. [Proposed Substitute Ordinance No. 2008-0473.2](#) **Ms. Patterson and Mr. Constantine**
 AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Patrick and Theresa Pinatiello for property located at 16512 SE Green Valley Road, Auburn, WA 98092, designated department of natural resources and parks, water and land resources division file no. E08CT020.
The enacted number is 16373.
This Matter was Passed on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Ms. Hague that the Consent Agenda be passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn
 No: 0
 Excused: 1 - Mr. Ferguson

First Reading and Referral of Ordinances

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16. [Proposed Ordinance No. 2009-0138](#) **Ms. Lambert and Mr. Phillips**
 AN ORDINANCE authorizing the county executive to execute an interlocal agreement between King County and the Central Puget Sound Regional Transit Authority for full-time transit police services.
Introduced and Referred to Law, Justice, Health and Human Services Committee
17. [Proposed Ordinance No. 2009-0139](#) **Mr. Constantine**
 AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Ray and Judy Willman for property located at 12323 209th Place NE, Redmond, WA 98052, designated department of natural resources and parks, water and land resources division file no. E08CT067.
Introduced and Referred to Hearing Examiner

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18. [Proposed Ordinance No. 2009-0140](#) **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Warren and Sally Rose for property located at 7432 410th Avenue SE, Snoqualmie, WA 98065, designated department of natural resources and parks, water and land resources division file no. E08CT078.
Introduced and Referred to Hearing Examiner
19. [Proposed Ordinance No. 2009-0141](#) **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Frances Still and Edith C. DeShaw for property located at approximately 295xx SE Lake Retreat North Drive, Ravensdale, WA 98005, designated department of natural resources and parks, water and land resources division file no. E08CT082.
Introduced and Referred to Hearing Examiner
20. [Proposed Ordinance No. 2009-0142](#) **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Janice Halstead, Executor Estate of Ardella Stewart for property located south of and adjacent to 6927 South 285th Street, Kent, WA 98032, designated department of natural resources and parks, water and land resources division file no. E08CT085.
Introduced and Referred to Hearing Examiner
21. [Proposed Ordinance No. 2009-0143](#) **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Joyce Shaw for property located at 19707 288th Avenue SE, Hobart, WA 98025, designated department of natural resources and parks, water and land resources division file no. E08CT089.
Introduced and Referred to Hearing Examiner
22. [Proposed Ordinance No. 2009-0144](#) **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Jonathan and Nadine McLane for property located at 12420 209th Avenue NE, Redmond, WA 98052, designated department of natural resources and parks, water and land resources division file no. E08CT091.
Introduced and Referred to Hearing Examiner
23. [Proposed Ordinance No. 2009-0145](#) **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Christopher and Anastasia Pallis for property located north of and adjacent to 32728 SE 115th Street, Issaquah, WA 98027, designated department of natural resources and parks, water and land resources division file no. E08CT092.
Introduced and Referred to Hearing Examiner

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24. **Proposed Ordinance No. 2009-0146** **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by William and Katherine Wheeler for property located at 7711 Lake Alice Road SE, Fall City, WA 98024, designated department of natural resources and parks, water and land resources division file no. E08CT097.
Introduced and Referred to Hearing Examiner
25. **Proposed Ordinance No. 2009-0147** **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Alayne Blickle and Matt Livengood for property located at 17725 252nd Avenue SE, Maple Valley, WA 98038, designated department of natural resources and parks, water and land resources division file no. E08CT099.
Introduced and Referred to Hearing Examiner
26. **Proposed Ordinance No. 2009-0148** **Mr. Constantine**
AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Jerry and Camile Brusaschetti for property located at 10010 238th Way SE, Issaquah, WA 98027, designated department of natural resources and parks, water and land resources division file no. E08CT117.
Introduced and Referred to Hearing Examiner
27. **Proposed Ordinance No. 2009-0151** **Mr. Gossett**
An ORDINANCE amending the agreement between King County and the King County Flood Control Zone District to authorize advance payments for services.
Introduced and Referred to Physical Environment Committee
28. **Proposed Ordinance No. 2009-0153** **Ms. Patterson and Mr. Phillips**
AN ORDINANCE related to fertilizers containing phosphorus; and adding a new chapter to K.C.C. Title 9.
Introduced and Referred to Physical Environment Committee
29. **Proposed Ordinance No. 2009-0155** **Mr. Constantine and Mr. Phillips**
AN ORDINANCE making a disappropriation and a net supplemental appropriation of \$1,222,434 to the office of information resources management capital fund in support of the replacement of the county's IRIS, for criminal activity, and TESS, for evidence management, data applications with an integrated records management system; and amending the 2009 Budget Ordinance, Ordinance 16312, Section 125, as amended, and Attachment B, as amended.
Introduced and Referred to Budget and Fiscal Management Committee

Hearings and Second Reading of Ordinances from Standing Committees and Regional Committees

Consent Item 35

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Item 35 was removed from the consent agenda.

35. [Proposed Ordinance No. 2009-0078](#) **Ms. Hague and Mr. Constantine**

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AN ORDINANCE relating to extending due dates for provisos for the Transit amending the 2008/2009 Mid-Biennium Supplemental Budget Ordinance for the fiscal period of January 1, 2008, through December 31, 2009; and amending the 2008/2009 Biennium Budget Ordinance, Ordinance 15975, Section 109, as amended.

On 3/2/2009, a public hearing was held and closed.

The enacted number is 16374.

Arthur Thornbury, council staff, briefed the Council.

Mr. Ferguson moved Amendment 1. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 1 - Mr. Gossett

Mr. Ferguson moved Title Amendment T1. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 1 - Mr. Gossett

A motion was made by Mr. Ferguson that this matter be Passed as Amended. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

Excused: 1 - Mr. Gossett

Budget and Fiscal Management

36. [Proposed Substitute Ordinance No. 2009-0108.2](#) **Mr. Constantine and Mr. Gossett**

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AN ORDINANCE relating to the King County Norm Maleng Regional Justice Center hot water piping system replacement project; making a disappropriation and reappropriation of \$3,056,114, to the major maintenance reserve fund; and amending the 2009 Budget Ordinance, Ordinance 16312, Section 129, as amended, and Attachment F, as amended.

On 3/2/2009, a public hearing was held and closed.

The enacted number is 16375.

Polly St. John, council staff, answered questions of the Council.

The Chair recessed the meeting into Executive Session to discuss with legal counsel litigation or potential litigation to which the County 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 County at 1:54 p.m. The Chair reconvened the meeting at 2:02 p.m.

Mr. Ferguson moved Amendment A1. The motion carried by the following vote:

*Votes: Yes: 9 - Mr. Constantine, Ms. Patterson, Mr. Gossett, Ms. Lambert,
Mr. Dunn, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. von Reichbauer*

No: 0

Excused: 0

Mr. Gossett moved Amendment A2.

Kathy Brown, Director, Facilities Management Division, answered questions of the Council.

Mr. Gossett's motion carried by the following vote:

*Votes: Yes: 8 - Mr. Constantine, Ms. Patterson, Mr. Gossett, Ms. Lambert,
Mr. Dunn, Mr. Ferguson, Mr. Phillips and Ms. Hague*

No: 0

Excused: 1 - Mr. von Reichbauer

A motion was made by Mr. Gossett that this matter be Passed as Amended. The motion carried by the following vote:

Votes: Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett,
Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

Excused: 0

37. Other Business

Extra Items

First Reading and Referral of Ordinances

38. Proposed Ordinance No. 2009-0157

Mr. Gossett

AN ORDINANCE relating to the forecast council; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030 and Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 and adding a new chapter to K.C.C. Title 2.

Introduced and Referred to Budget and Fiscal Management Committee

First Reading and Referral of Motions

39. [Proposed Motion No. 2009-0159](#) **Ms. Patterson and Mr. Constantine**

A MOTION accepting the executive's response to Motion 12871, a study on the feasibility of implementing a ban on continuous dog chaining, tethering and small space confinement.

Introduced and Referred to Government Accountability and Oversight Committee

40. Adjournment

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The meeting was adjourned at 2:22 p.m.

Approved this _____ day of _____.

Clerk's Signature