

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JUNE 8, 2004**

930 TACOMA AVENUE SOUTH, ROOM 1045
TACOMA, WASHINGTON 98402
(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 regular meeting of the Pierce County Council was called to order at 3:15 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 men and women in the Military.

III. ROLL CALL

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

Council Staff Present: Duuna Evans, Ethnic Fest Coordinator; Steve Gross, Legal Analyst; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Leslie Swalley, Councilmember Assistant; Hugh Taylor, Legislative Analyst; Tom Weber, Administrator for Research and Policy; and Victoria Woodards, Councilmember Assistant.

There were approximately 50 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)

1. PROPOSAL NO. 2004-23, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 104TH STREET

SOUTH RIGHT-OF-WAY IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE MIDLAND AREA.

Sponsored by: Councilmember Shawn Bunney

Contact person: Jerry West, 798-3687

DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON MAY 18, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)

Suggested date of Council hearing: July 13, 2004

2. PROPOSAL NO. 2004-28, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF SEHMEL DRIVE NORTHWEST RIGHT-OF-WAY IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE GIG HARBOR AREA.

Sponsored by: Councilmembers Terry Lee and Shawn Bunney

Contact person: Jerry West, 798-3687

DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON MAY 18, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)

Suggested date of Council hearing: July 13, 2004

3. PROPOSAL NO. 2004-33, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO FRUITLAND MUTUAL WATER COMPANY, 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

DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON MAY 18, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)

Suggested date of Council hearing: July 13, 2004

4. PROPOSAL NO. 2004-34s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING AMENDMENTS TO THE DEVELOPMENT REGULATIONS TO ADDRESS MOTORCYCLE AND MOTOR BIKE TRACKS WHEN ACCESSORY TO RESIDENTIAL USES, NOISE ATTENUATING BARRIERS, AND HORSE BOARDING IN URBAN RESIDENTIAL ZONES; AMENDING PIERCE COUNTY CODE CHAPTERS 18A.15, "DEFINITIONS", 18A.25, "ZONE CLASSIFICATIONS AND USE TABLES", AND 18A.35, "DEVELOPMENT STANDARDS"; ADOPTING A NEW SECTION 18J.15.050 OF THE PIERCE COUNTY CODE, "NOISE ATTENUATING BARRIERS STANDARDS"; SETTING AN EFFECTIVE

DATE; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmember Calvin Goings

Contact person: Sean Gaffney, 798-2724

DO PASS AS SUBSTITUTED RECOMMENDATION - COMMUNITY DEVELOPMENT COMMITTEE ON MAY 24, 2004 - (Calvin Goings, Chair; Terry Lee, Vice Chair; Harold Moss, Member/excused Dick Muri, Member; Kevin Wimsett, Member)

Suggested date of Council hearing: July 6, 2004

5. PROPOSAL NO. 2004-50, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING EXHIBIT "B" OF ORDINANCE NO. 98-117 AS AMENDED BY ORDINANCE NO. 2002-16s, BY DESIGNATING MAHNCKE ROAD KPS AS A COLLECTOR ARTERIAL AND DIRECTING THE COUNTY ENGINEER TO PROPERLY IMPLEMENT THE ARTERIAL DESIGNATION THROUGH THE USE OF APPROPRIATE TRAFFIC CONTROL DEVICES.

Sponsored by: Councilmember Terry Lee

Contact person: Thomas Weber, 798-6067

For referral to the Economic and Infrastructure Development Committee

To be heard in the Economic and Infrastructure Development Committee on June 15, 2004

Suggested date of Council hearing: July 6, 2004

6. PROPOSAL NO. 2004-51, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING RESOLUTION NO. R2003-86; AND ADOPTING A NEW ORGANIZATION CHART ESTABLISHING POSITION CLASSIFICATIONS AND CORRESPONDING PAY RANGES FOR THE OFFICE OF THE PIERCE COUNTY COUNCIL.

Sponsored by: Pierce County Council

Contact person: Susan Long, 798-6068

Suggested date of Council hearing: July 6, 2004

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

1. PROPOSAL NO. R2004-67, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING THE SERVICE AREA OF THE EAST GIG HARBOR WATER DISTRICT BY WITHDRAWING THE "WEST PASSAGE RIDGE" AREA.

Sponsored by: Councilmember Terry Lee

Contact person: Steve Gross, 798-7579

DO PASS RECOMMENDATION - ECONOMIC & INFRASTRUCTURE DEVELOPMENT COMMITTEE ON MAY 18, 2004 - (Shawn Bunney, Chair; Terry Lee, Vice Chair; Barbara Gelman, Member; Calvin Goings, Member; Dick Muri, Member)

Suggested date of Council hearing: July 6, 2004

2. PROPOSAL NO. R2004-83, A RESOLUTION OF THE PIERCE COUNTY COUNCIL
DECLARING ITS INTENT TO VACATE A PORTION OF RIGHT-OF-

WAY FOR 170TH AVENUE KPN, LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 22 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE KEY PENINSULA AREA; AND DIRECTING THE COUNTY ENGINEER TO EXAMINE THE INTENDED VACATION AND REPORT THE FINDINGS AND CONCLUSIONS THEREOF TO THE COUNCIL.

Sponsored by: Councilmember Terry Lee

Contact person: Thomas Weber, 798-6067

For referral to the Economic and Infrastructure Development Committee

To be heard in the Economic and Infrastructure Development Committee on June 15, 2004

Suggested date of Council hearing: June 15, 2004

3. PROPOSAL NO. R2004-87, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING RESOLUTION NO. R2003-139s TO INITIATE CONSIDERATION OF ADDITIONAL AMENDMENTS TO THE COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS IN THE SPECIAL COMPREHENSIVE PLAN AMENDMENT CYCLE REQUIRED BY REVISED CODE OF WASHINGTON (RCW) 36.70A.130(4).

Sponsored by: Councilmember Calvin Goings

Contact person: Anna Graham, 798-6253

Suggested date of Council hearing: June 15, 2004

d. Other Items

Lee moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of six 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 May 27, 2004, was read into the record:

ORDINANCE NO. 2004-20, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF APPLICATIONS FOR OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS2-03, ROBERT L. BERG - ORTING AREA; APPLICATION NO. OS4-03, KIMBERLEY POWELL - EATONVILLE AREA; AND APPLICATION NO. OS6-03, NICK AND JOLEEN REYNOLDS - WAUNA AREA)

2. A message from the Executive transmitting the following Ordinance, which was returned unsigned on May 28, 2004, was read into the record:

ORDINANCE NO. 2004-25, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CREATING A NEW CHAPTER 2.61 OF THE PIERCE COUNTY CODE, "ANDERSON ISLAND CITIZENS' ADVISORY BOARD".

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

Ethnic Fest Poster Contest Award Presentation:

McLaughlin presented the award winners with monetary certificates. A copy of the handout is contained in the Clerk's meeting file.

1st Place - Melena Jankanish, Curtis High School (\$200)

2nd Place - Brittany Backus, Orting High School (\$100)

3rd Place - Jon Post, Clover Park High School (\$50)

Honorable Mention - Deana Pauline Nguyen, Clover Park High School (\$25)

Honorable Mention - Jamie Williams, Curtis High School
(\$25)

Honorable Mention - Duc Nguyen, Lincoln High School (\$25)

Honorable Mention - Carrie Qullen, Orting High School
(\$25)

Honorable Mention - Steven Jones, Lincoln High School
(\$25)

Victoria Woodards, Councilmember Assistant, provided information on the annual Ethnic Fest and the poster contest events. Woodards introduced the poster contest sponsor, Jerry McLaughlin of JayRay Advertising.

Woodards and McLaughlin unveiled the 2004 Ethnic Fest official poster. A replica of the poster is included in the Clerk's meeting file. Woodards thanked the individuals and entities that worked on the poster contest project. The event will be held in Wright Park on July 24-25, 2004.

PROPOSAL NO. R2004-81, A PROCLAMATION OF THE PIERCE COUNTY EXECUTIVE AND COUNCIL DECLARING THE WEEK OF JUNE 7 - 11, 2004, AS "CHILD SUPPORT ENFORCEMENT WEEK" IN PIERCE COUNTY, WASHINGTON.

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

Public Testimony

Ray Weaver, Division of Child Support - Olympia, thanked the Council for the Proclamation, and provided information on the Child Support program.

Michael Nelson expressed concern that taxpayers would be paying for the program.

Sarah Richardson, Deputy Prosecuting Attorney, Family Support Division, encouraged people to pay their child support to help repay taxpayer dollars that have been spent on public assistance money. She thanked the Council for the Proclamation.

Stephen Gregorich, Deputy Prosecuting Attorney, Family Support Division, thanked the Council for the Proclamation. He spoke to the importance of child support, and he announced upcoming events involving the child support program.

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

PROPOSAL NO. R2004-86, A RESOLUTION OF THE PIERCE COUNTY COUNCIL HONORING THE PASSING OF THE FORTIETH PRESIDENT OF THE UNITED STATES, RONALD WILSON REAGAN.

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

Public Testimony

Jane Milhans, Chair of Pierce County Republican Party, accepted the Proclamation, and thanked the Council for the Proclamation.

Bunney spoke to the life of Ronald Reagan, and urged the Council to adopt the Resolution.

Lee spoke to the leadership of Ronald Reagan.

Muri spoke to the military support Ronald Reagan provided.

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

VIII. ORDINANCES

PROPOSAL NO. 2004-5, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE 2001-99S AND SECTION 4.24.015 D. OF THE PIERCE COUNTY CODE REGARDING EXPENDITURES OF THE SECOND REAL ESTATE EXCISE TAX FOR CAPITAL PARK AND RECREATION PROJECTS.

Lee 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 April 19, 2004.

Jan Wolcott, Director of Parks and Recreation Department, stated that extensive testimony was held on the REET tax for parks in April. Pierce County joined the City of Tacoma on the upgrades for the South End Pool project. He spoke to the improvements of various community parks through the REET projects, and urged the Council's continued support. In response to Goings' question, he clarified that the REET is in place to clarify a technical problem that relates to Bond Counsel for proceeding to build the projects.

Public Testimony

Randy Boss, Chairman of Peninsula Park and Recreation District, expressed concern with the stricken language on pages 2 of 3 and 3 of 3 of the Proposal. He spoke to the Zoo Trek sales funds.

Don Williams spoke in support of the Proposal.

Dave Morell, Chairman of Parks Board, spoke in support of the Proposal.

Ernie Bay, President of the Foothills Rails-to-Trails Coalition, spoke in support of the Proposal.

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

PROPOSAL NO. 2004-32, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATING TO CONTRACTING INDEBTEDNESS; AUTHORIZING THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION BONDS FOR GENERAL COUNTY PURPOSES TO PROVIDE FUNDS WITH WHICH TO PAY THE COST OF ACQUIRING LAND FOR, AND DESIGNING, CONSTRUCTING, IMPROVING AND/OR EQUIPPING COUNTY PARK AND RECREATION FACILITIES; AND AUTHORIZING THE ISSUANCE OF SHORT-TERM FINANCING PENDING THE ISSUANCE OF SUCH BONDS.

Lee 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 May 24, 2004.

Patrick Kenney, Director of Budget and Finance Department, summarized the Proposal, stating the sale of bonds is not to exceed \$17 million for the four projects. The proposal authorizes the County to receive interim financing for the projects and the construction costs. The County will sell the long-term bonds when the projects are finalized.

Long responded to legal issues raised at the Rules and Operations Committee.

Public Testimony

Randy Boss spoke in opposition to the Proposal, and provided a handout to Council. He spoke to the \$17 million credit card debt for parks projects. A copy of the handout is contained in the Ordinance file.

Don Williams stated there are a lot of questions regarding the sale of the bonds; parks are needed not faulty bond counsels.

Betsy Stubbs spoke in support of the Proposal, and thanked the Council for working with the Puyallup School District on projects.

Mary Dodsworth, Director of City of Lakewood Parks, spoke in support of the Proposal, and urged the Council to pass the Proposal.

Joe Sobinovsky, Washington State Parks, spoke in support of the Proposal.

Rudy Fyles, Puyallup School District, spoke in support and urged the Council to pass the Proposal.

Michael Nelson spoke in opposition to the Proposal.

Dave Morell spoke in support of the Proposal.

Following closing remarks by Councilmembers, the Chair called for the question. The Proposal passed on a roll call vote of six to zero.

PROPOSAL NO. 2004-37, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2003-103s, WHICH AMENDS TITLE 19A OF THE PIERCE COUNTY CODE, THE PIERCE COUNTY COMPREHENSIVE PLAN; DELETING URBAN GROWTH AREA AMENDMENTS U-5, U-6, U-7, U-8 AND U-9 (BONNEY LAKE AREA) AND RELATED FINDINGS OF FACT; IN RESPONSE TO A PETITION FILED WITH THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD IN "1000 FRIENDS OF WASHINGTON V. PIERCE COUNTY, CASE NO. 04-3-0007c."

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

Staff Testimony

Taylor provided background information on the Proposal, stating the Proposal responds to an appeal filed by the Central Growth Management Hearings Board regarding the Pierce County's 2003 Comprehensive Plan amendments.

Public Testimony

Marian Betzer spoke in support of preserving the Fennel Creek Corridor, and spoke to a neighborhood survey she conducted. A copy of the survey is contained in the Ordinance file.

Sandra Jeppeson spoke in support of the Proposal.

Knud Muentner spoke in support of the Proposal.

Jerry Betzer spoke in support of the Proposal. A copy of his handout is contained in the Ordinance file.

Walter Olson spoke in support of preserving land.

Lon Hurst spoke in opposition to expanding the Bonney Lake urban growth area.

Carol Cooper spoke in support of preserving land.

Leonard Barren spoke in support of the Proposal.

Fred Jacobson spoke in support of the Proposal.

Todd Holloway spoke in support of the Proposal.

Sylvia Ashley spoke in support of the Proposal.

Bunney thanked the audience for attending today's meeting, and announced that after the meeting he is available for questions.

Lee thanked the audience for attending today's meeting and Bunney for his work on the Proposal.

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

IX. RESOLUTIONS

PROPOSAL NO. R2004-76, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING RESOLUTION NO. R2003-139s TO INITIATE CONSIDERATION OF THE RECOMMENDATIONS OF THE FENNEL CREEK CORRIDOR ADVISORY COMMITTEE REGARDING 2003 URBAN GROWTH AREA AMENDMENT U-8 IN THE SPECIAL COMPREHENSIVE PLAN AMENDMENT CYCLE REQUIRED BY REVISED CODE OF WASHINGTON (RCW) 36.70A.130(4).

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

Staff Testimony

Taylor provided background information on the Proposal, stating the Proposal will amend Resolution No. R2003-139s to allow for re-evaluation and reconsideration of the Urban Growth Area U-8. He explained the two options recommended by Ad Hoc Advisory Committee. The Proposal received a do pass recommendation by the Community Development Committee on May 24, 2004. He responded to questions regarding density on the 51 acres and recommended options.

Public Testimony

Marian Betzer spoke in support of the Proposal.

Carl Halsan stated the Ad Hoc Committee recommendations are not complete, but the committee is recommending preserving land in the Fennel Creek Corridor.

Carol Cooper expressed concerns about past violations on the land. Bunney responded to Cooper concerns, stating that if violations are there, the laws should be enforced.

Jerry Betzer spoke in support of the Proposal, and expressed concern with the amendment language.

Michael Nelson requested that laws be changed to increase rights of landowners. Clerk's note: The Chair asked him to speak to the Proposal.

Bunney stated the Proposal will follow the hearing process, and he introduced Chip Vincent, Planning and Land Services

Department. Bunney requested that individuals give their name and address to Vincent so they can be included on the interested party list for the amendment.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Presentation: Kalakala Alliance Foundation - Steve Rodriguez. The presentation was not given.
2. Lee moved to amend the Council Meeting Agenda for June 15, 2004, to add Proposal No. R2004-87 to Section IX; motion seconded and passed.

The Chair announced the conclusion of the televised portion of the business meeting.

XI. GENERAL PUBLIC COMMENTS

1. Michael Nelson spoke to general public comments not being televised and to white collar crime investigation.
2. Don Williams spoke to the Regional Transportation Improvement District, stating he supports having a vote in the tri-County area, but he's against the advisory election.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:25 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

f:\wpfiles\minutes\cou 06-08-04 min