

**MINUTES
PIERCE COUNTY MEETING
OCTOBER 10, 2006**

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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. 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 Legislative Analyst; Steve Gross, Senior Legal Analyst; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Research; Michael Transue, Budget Consultant; and Tom Weber, Administrator for Research and Policy.

There were approximately 100 guests present.

III. 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.

IV. Approval of Agenda

Lee moved approval of the agenda; motion seconded and passed on a voice vote.

V. Consent Agenda

No final action on any Ordinance or Resolution was taken under this Section.

a. Approval of Minutes

1. The Minutes of the March 1, 2005, Regular Council Meeting
2. The minutes of the June 28, 2005, Regular Council Meeting
3. The Minutes of the February 7, 2006, Regular Council Meeting

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

1. Proposal No. 2006-94, An Ordinance of the Pierce County Council Adopting the 2006 Amendments to the Pierce County Comprehensive Plan; Amending Title 19A of the Pierce County Code, "Comprehensive Plan"; Setting Forth an Effective Date; and Adopting Findings of Fact.

Sponsored by: Councilmember Calvin Goings

Department contact person: Mike Erkinen, Planning and Land Services, (253) 798-2705

Council contact person: Anna Graham, (253) 798-6253

To be heard in the Community Development Committee on October 2, 2006

Suggested date of Council hearing: November 7, 2006

2. Proposal No. 2006-103, An Ordinance of the Pierce County Council Amending Various Titles of Pierce County Code Adopted Through Ordinance Nos. 2004-56s, 2004-57s, and 2004-58s, Commonly Known as the "DIRECTIONS" Legislation, to Correct Technical Errors and Provide Clarification of Regulatory Intent as Needed; Amending Title 18 of the Pierce County Code, "Pierce County Development Regulations - General Provisions"; Amending Title 18E of the Pierce County Code, "Pierce County Development Regulations - Critical Areas"; Amending Title 18H of the Pierce County Code, "Pierce County Development Regulations - Forest Practice and Tree Conservation"; Amending Title 18J of the Pierce County Code, "Pierce County Development Regulations - Design Standards and Guidelines"; Amending Title 17A of the Pierce County Code, "Pierce County Construction and Infrastructure Regulations - Site Development and Stormwater Drainage; Setting an Effective Date; and Adopting Findings of Fact.

Sponsored by: Councilmember Calvin Goings

Department contact person: Katherine Brooks, Planning and Land Services, (253) 798-3181

Council contact person: Hugh Taylor, (253) 798-3665

Continued in the Community Development Committee on October 2, 2006, to October 16, 2006.

Suggested date of Council hearing: November 28, 2006

3. Proposal No. 2006-108, An Ordinance of the Pierce County Council Adopting the 2007-2012 Transportation Improvement Program and 2007-2020 Fourteen-Year Ferry Program, Pursuant to Revised Code of Washington Sections 36.81.121, 36.81.122, 36.81.130, and 36.54.015, and Washington Administrative Code 136, Chapters 15 and 16; Finding that Each Project Contained in the Plan is a Public Necessity; Authorizing the Prosecuting Attorney to Commence Condemnation Proceedings to Acquire Real Property for only those Capital Improvement Projects Contained in the Document for Expenditure of

Funds in 2007; and Adopting Findings of Fact. (Annual Road Program, Six-Year Road Program, and the Fourteen-Year Ferry Program)

Sponsored by: Councilmember Terry Lee

Department contact person: Troy Lee, Public Works and Utilities, (253) 798-3555

Council contact person: Hugh Taylor, (253) 798-3665

For referral to the Economic and Infrastructure Development Committee
Suggested date of Council hearing: November 21, 2006

4. Proposal No. 2006-109, An Ordinance of the Pierce County Council Amending Chapter 4A.30 of the Pierce County Code, "School Impact Fees," to adjust School Impact Fees.

Sponsored by: Councilmember Calvin Goings

Council contact person: Carolyn Pendle, (253) 798-3631

For referral to the Community Development Committee

To be heard in Community Development Committee on October 23, 2006

5. Proposal No. 2006-110, An Ordinance of the Pierce County Council Adopting Year 2006 Amendments to the Capital Facilities Element of the Pierce County Comprehensive Plan; Amending Title 19E of the Pierce County Code, Capital Facilities - Six Year Financing Plan; Amending Section 19A.100.010 of the Pierce County Code, "Public Facility Needs"; Setting Forth an Effective Date; and Adopting Findings of Fact.

Sponsored by: Councilmember Calvin Goings

Department contact person: Julia Park, Planning and Land Services, (253) 798-2783

Council contact person: Hugh Taylor, (253) 798-3665

For Joint Referral to the Community Development Committee and the Economic and Infrastructure Development Committee

To be heard in the Community Development Committee on October 16, 2006

To be heard in the Economic and Infrastructure Development Committee on October 17, 2006

Suggested date of Council hearing: November 21, 2006

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

1. Proposal No. R2006-123, A Resolution of the Pierce County Council Initiating the Process for Amending the Pierce County Development Regulations to Address the Definition and Regulation of Uses That Involve Outdoor Stockpiling of Materials for Recycling, Sale or Disposal, Such as Contractor Yards, Building Material and Garden Supply and Buy-Back Recycling; Requesting the Development of Needed Amendments and the Preparation of Environmental Documentation and a Staff Report for Presentation to the Planning Commission; Referring

the Proposed Amendments to the Planning Commission and Land Use Advisory Commissions for Review and Recommendation; and Requesting That Recommendations be Submitted to the Council by April 1, 2007.

Sponsored by: Councilmember Calvin Goings
Council contact person: Anna Graham, (253) 798-6253
Committee recommendation: Do Pass at Community Development on September 18, 2006
Suggested date of Council hearing: October 24, 2006

2. Proposal No. R2006-130, A Resolution of the Pierce County Council Setting the Date of an Evening Council Meeting in Council District No. 3 for Tuesday, November 14, 2006, at 5:30 p.m., at Graham Fire and Rescue, Pierce County Fire District 21, Headquarters Station #4, 23014 70th Avenue East, Graham, Washington.

Sponsored by: Councilmember Roger Bush
Council contact person: Patty Face, (253) 798-2687
Suggested date of Council hearing: October 17, 2006

3. Proposal No. R2006-131, A Resolution of the Pierce County Council Requesting the Department of Public Works and Utilities to Report and Provide Recommendations Regarding the Management of Flood Hazard Areas; Requesting the Assessor-Treasurer's Office to Investigate Reductions in Property Tax Assessments as Appropriate to Reflect the Presence of Flood Hazard Areas; and Stating the Council's Intent to Conduct a Public Hearing on the Same by a Date Certain.

Sponsored by: Councilmembers Calvin Goings, Terry Lee and Shawn Bunney
Council contact person: Hugh Taylor, (253) 798-3665
For referral to the Community Development Committee
To be heard in the Community Development Committee on October 16, 2006
Suggested date of Council hearing: November 28, 2006

4. Proposal No. R2006-133, A Resolution of the Pierce County Council Initiating a Process to Prepare a Supplement to the Year 2000 Tacoma-Pierce County Solid Waste Management Plan Pursuant to Revised Code of Washington Chapter 70.95 and Pierce County Code Chapter 8.28; Requesting the Solid Waste Division of the Department of Public Works and Utilities to Lead the Effort to Prepare Necessary Reports and Documentation; Requesting the Active Involvement of the Pierce County Solid Waste Advisory Committee During Drafting and Public Outreach; Referring the Proposed Supplement to the Solid Waste Advisory Committee for Review and Recommendation; and Requesting that Recommendations be Submitted to the Council by August 31, 2007.

Sponsored by: Councilmember Terry Lee
Department contact person: Steve Wamback, Public Works and Utilities,
(253) 798-4656
Council contact person: Carolyn Pendle, (253) 798-3631
For referral to the Economic and Infrastructure Development Committee
To be heard in the Economic and Infrastructure Development Committee
on October 17, 2006

d. Other Items

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 September 27, 2006, was read into the record.

Ordinance No. 2006-100s, An Ordinance of the Pierce County Council Relating to Contracting Indebtedness; Providing for the Issuance, Specifying the Maturity Dates, Interest Rates, Terms and Covenants and Fixing the Form of \$27,385,000 Par Value Limited Tax General Obligation Bonds, 2006, Series B, of the County for the Purpose of Providing Funds to Pay the Cost of Designing, Acquiring and Constructing a County Public Works and Utilities Department Central Maintenance Facility and Pay the Costs of Issuance and Sale of Such Bonds; Establishing a Bond Redemption Fund, Establishing a Project Fund; Providing for Bond Insurance; Approving the Sale and Providing for the Delivery of the Bonds; and Setting an Effective Date.

2. A message from the Executive transmitting the following Ordinances, which were approved and signed on September 29, 2006, was read into the record.

Ordinance No. 2006-51, An Ordinance of the Pierce County Council Repealing Ordinance No. 98-93s thereby Removing Firearms Discharge Restrictions in the Rapjohn Lake Area.

Ordinance No. 2006-99, An Ordinance of the Pierce County Council Ratifying the Collective Bargaining Agreements Reached with the International Federation of Professional and Technical Engineers, AFL-CIO, Local No. 17; and Amending the Pierce County Salary Plan.

VII. Proclamations, Awards, and/or Appointments to Boards and Commissions

Proposal No. R2006-122, A Resolution of the Pierce County Council Commemorating the 100th Anniversary of the Young Women's Christian Association United States of America, (YWCA USA); and Proclaiming the Month of October 2006, as "YWCA Pierce County Month" in Pierce County, Washington.

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

Karen White thanked the Council for the Proclamation and spoke to the importance of the YWCA's role in the community.

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

The Chair thanked YMCA volunteers for working on this important cause in Pierce County.

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

At 3:45 p.m., the Chair called for a recess; the business meeting reconvened at 3:50 p.m.

Proposal No. R2006-129, A Resolution of the Pierce County Council Confirming the Reappointment of Two Members to the Chemical Dependency Advisory Board. (Marguerite Brown and Lisa Clinton)

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

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

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

Without objection, the Chair advanced to item 1 of Section IX., Resolutions.

Proposal No. R2006-124, A Resolution of the Pierce County Council Approving, As Creating Municipality, Resolution No. 2006-04 of the Economic Development Corporation of Pierce County, Taking Official Action Regarding the Issuance of Not to Exceed \$5,800,000 of Nonrecourse Revenue Bonds for the Benefit of Sea Tac Packaging Mfg. Corp.

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

Susan Suess, Economic Development Corporation of Pierce County, explained the Proposal is the first step to require the revenue bonds.

Jeff Lawrence, Sea Tac Packaging, spoke to the company's history and provided a summary of the proposed project.

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

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

The Chair returned to the regular order of the business meeting.

VIII. Ordinances

Proposal No. 2006-81, An Ordinance of the Pierce County Council Amending Section 5.04.020 and Chapter 5.24 of the Pierce County Code to Add Commercial Aviaries to the Types of Animal-Related Facilities Required to be Licensed.

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

Staff Testimony

Gross provided information on the Proposal and reported the Proposal received a do not pass recommendation from the Public Safety and Human Services Committee on August 8, 2006.

The Chair announced that for Proposal Nos. 2006-81 and 2006-82s there will be a two-minute time limit for each speaker, and left over time will not be allotted to another speaker.

Public Testimony

The following individuals provided testimony: Alton McDonald, Karl Bessinger, Johanna Kelly, Syliva Moss, Ms. Mandy Andrea, Kate Clark, Susan Shaw, Sarah Forbes, Theresa Strange, Janel Johnson, Diane Crimmi, Bob Walters of the Human Society, Bob Vincent, Amy Gibson of the Human Society of the United States, Renee Ward, and Julie Folrem.

Councilmembers Lee, Muri, Gelman, and Farrell provided closing comments on the Proposal.

The Proposal was defeated on a roll call vote of five to two; Bunney, Bush, Lee, Farrell, and Muri voted nay.

Proposal No. 2006-82s, An Ordinance of the Pierce County Council; Establishing an Aviculture Advisory Commission; and Adopting a New Chapter 2.47, "Aviculture Advisory Commission," to the Pierce County Code.

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

Staff Testimony

Gross provided information on the Proposal and reported the Proposal received a do pass recommendation from the Public Safety and Human Services Committee on August 8, 2006. In response to Lee's question, Gross stated the Tacoma Pierce-County Health Department will staff the Commission.

Public Testimony

The following individuals provided testimony: Kate Clark, Diane Crimmi, Johanna Kelly, Natalie Truman, Mandy Andrea, Frances Davidson, Martha Studdard, Julie Folrum, Bob Walters, Karl Bessinger, Terrance Simons, Rita Morgan, Bob Vincent, Amy Gibson, Ramona Hanskin, and Theresa Strange.

Councilmembers Lee, Muri, Gelman, and Bush provided closing comments on the Proposal.

The Proposal passed on a roll call vote of four to three; Gelman, Farrell and Goings voted nay

Proposal No. 2006-85, An Ordinance of the Pierce County Council Vacating a Portion of 50th Avenue East Located in the Southeast Quarter of Section 1, Township 18 North, Range 3 East, W.M., in the Frederickson Area.

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

Staff Testimony

Weber reported the Proposal received a do pass recommendation from the Economic and Infrastructure Development Committee on August 15, 2006. Weber explained this Ordinance shall not become effective and shall not be recorded in the Office of the County Auditor until such time as the Plat of Tibbitts Wood is recorded. The Plat will be dedicating 50 feet of right-of-way.

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. 2006-87, An Ordinance of the Pierce County Council Vacating an Alley Way in the Plat of South Fern Hill in the Northwest Quarter of Section 5, Township 19 North, Range 3 East of the Willamette Meridian, in the Parkland Area.

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

Staff Testimony

Weber reported the Proposal received a do pass recommendation from the Economic and Infrastructure Development Committee on August 15, 2006.

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.

Without objection, the Chair advanced to item 2 of Section IX., Resolutions.

Proposal No. R2006-126, A Resolution of the Pierce County Council Approving the Pierce County Board of Equalization's Request to Convene to Act on Timely Filed Taxpayer Petitions Which Exceed the Requirements of Revised Code of Washington 84.48.010.

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

Staff Testimony

Weber reported the Proposal received a do pass recommendation from the Rules and Operations Committee on October 9, 2006. Weber explained the criteria for the Board to meet and informed the Council that 1,735 petitions were received in 2005. Currently, 1,965 petitions have been received in 2006. Weber noted the Proposal has no fiscal impact because the monies were budgeted in the 2007 Annual Budget.

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

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

Without objection, the Chair advanced to item 8 of Section VIII., Ordinances.

Proposal No. 2006-89, An Ordinance of the Pierce County Council Levying an Assessment in 2006, for Collection in 2007, Against Land in Pierce County for the Control of Noxious Weeds.

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

Staff Testimony

Long reported the Proposal received a do pass recommendation from the Rules and Operations Committee on August 21, 2006. Long pointed out that Tom Bertram was in the audience to answer questions, and reminded the Council that

each year Bertram comes before the Council to provide a noxious weed assessment.

In response to Bunney's question, Tom Bertram, Program Coordinator for the Noxious Weed Control Board, concurred that levying will be at the same rate, and there are no changes to the program this year.

The Chair returned to the regular order of the business meeting.

Proposal No. 2006-52s, An Ordinance of the Pierce County Council Adopting a New Chapter 19B.110 of the Pierce County Code, "The Graham Community Plan"; Amending Title 19A, "Comprehensive Plan," to Establish a New Rural Farm Designation and Modify Agricultural Resource Lands Policies; Setting an Effective Date; and Adopting Findings of Fact.

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

Staff Testimony

Graham explained the Proposal is the one of two proposals regarding the Graham Community Plan and associated implementing regulations (2006-53s). Graham provided background information on the four year process that led up to today's Proposals. Graham reported on September 18, 2006, the Community Development Committee forwarded its recommendation of do pass as substituted to the full Council. Graham noted there were two appeals filed to the final environmental impact statement, and she pointed out that there is one amendment for each ordinance.

Chip Vincent of Planning and Land Services, in his role as Environmental Official Designate, provided a status report on how the County plans on processing the two environmental appeals filed challenging the adequacy of the State Environmental Policy Act (SEPA) work. The Hearing Examiner will consider the merits of those appeals on December 7, 2006. Between now and December 7 the Planning and Land Services staff and the Public Works and Utilities staff will work with the Deputy Prosecuting Attorney assigned to this case to respond to the issues raised in the filed appeals.

Katherine Brooks, Planning and Land Services, provided an overview of the Graham community planning area, stating it is one of the largest community plan areas in the County. The majority of that land area is out in the rural area with only a small area being designated within the urban growth area. She spoke to some of the contentious issues that were debated and discussed during the planning process. She thanked members of the Community Planning Board for their time over the four year time period, the Graham Fire District for the meeting location and services, and the Bethel School District for providing the location for the public hearings.

Lee moved approval of Council Amendment No. 1 on yellow; motion seconded.

Graham explained the community plan amendment is mostly technical. A copy of the amendment is identified as Attachment I to these minutes.

Public Testimony on the Council Amendment No. 1

Bud Rehberg testified on the amendment.

The Chair called for the question; the motion carried.

Public Testimony on Proposal No. 2006-52s as Amended

Amelia Maesta, Attorney with the Muckleshoot Tribe (a copy of her letter is contained in the Ordinance file).

Bunney, on behalf of the County, apologized to the Muckleshoot Tribe if there were public noticing errors.

Dialog ensued between Bunney and Maestas on the Tribe's concerns. In response to Bunney's question, Graham responded she believed that the Council doesn't need to change any of the community plan policies to work toward addressing the concerns.

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

Testimony continued with the following individuals: James Halmo (a copy of his letter is contained in the Ordinance file); Diane Harris; Marilyn Sanders; Bud Rehberg; Jeanette Dorner, Graham Community Planning Board Member; Steve Kelly, Graham Community Planning Board Member and Graham Land Use Member; and Allan Anderson (a copy of his letter is contained in the Ordinance file).

Bunney provided closing remarks on the importance of community plans.

The Proposal passed as amended on a roll call vote of five to two (Farrell and Goings voted nay)

Proposal No. 2006-53s, An Ordinance of the Pierce County Council Implementing the Graham Community Plan; Amending Title 18A of the Pierce County Code, "Pierce County Development Regulations - Zoning"; Adopting a New Chapter 18A.24, "Graham Use and Density and Dimension Tables"; Adopting a New Chapter 18B.180, "Sign Design - Graham"; Amending Chapter 18E.50, "Aquifer Recharge and Wellhead Protection Areas"; Amending Chapter 18H.40, "Tree Conservation"; Amending Chapter 18I.10, "General Provisions" to Modify the Definition for Agricultural Lands; Amending Section 18J.10.055, "Administration"; Adopting a New Chapter 18J.80, "Graham Community Plan Area Design Standards and Guidelines"; Amending the Official Pierce County Zoning Atlas; Setting an Effective Date; and Adopting Findings of Fact.

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

Staff Testimony

Graham explained the Proposal is a companion ordinance to Proposal No. 2006-52s, and the Proposal implements the Graham Community Plan by amending and creating a new chapter in Title 18.

Lee moved approval of Council Amendment No. 1 on blue; seconded. A copy of the amendment is identified as Attachment II to these minutes.

Graham described the amendment to the Council. Graham informed the Council that item 2 should reference page 11 not page 8. Graham noted that Level 1 (campgrounds and RV parks) and Level 5 (retreat centers) would be allowed with a conditional use permit in the RSR zone to accommodate the Muckleshoot Tribe's request. A copy of the Tribe's concern is contained in the Ordinance file.

Lee and Goings modified the previous motion to make a technical correction on item 2 after the word "page" strike 8 and insert 11.

Graham explained the statement Amelia Maestas read was approved by the Tribal Council. Graham noted the issue comes down to how many people will be on the site at one time because Retreat Centers only allow up to 50. Graham pointed out that if more work is needed on the issue that can be handled in future an ordinance.

Public Testimony on the Council Amendment No. 1

Bud Rehberg, James Halmo and Steve Kelly testified on the amendment.

After a lengthy discussion on the Graham RSR zone, the Chair called for a recess to allow Staff time to draft an oral amendment to address the Tribe's concern.

At 6:05 p.m. the Council recessed; at 6:10 p.m. the Council in quorum returned to its regular order of business.

A white sheet reflecting amendments to Council Amendment No. 1 was distributed by Graham. Graham explained the amendments by recapping that Council Amendment No. 1 on blue will be changed to correct item 2 to say page 11. Graham suggested oral amendments that instead of C1,5 it would be C5,6, and an item 5 will be added to read, level 6, campground and campsites not including recreational vehicle parks. A copy of the amendment on white is identified as Attachment III to these minutes.

Goings moved that Graham's suggested amendments to the Council Amendment No. 1 be adopted; motion seconded.

Public Testimony on the Amendment to Council Amendment No. 1

Bud Rehberg and Steve Kelly testified.

Bush commented the amendment addresses most of the Tribe's concerns and issues, and protects the community and resources in the Graham area.

The Chair called for the question; the motion carried.

Staff Testimony

Vincent, in the role of the Environmental Official Designate, reported that he and the Planning and Land Services Department staff have reviewed all the amendments to the Graham Community Plan and development regulations. He explained the amendments are within the scope of the environmental review that was performed as required by the State Environmental Policy Act, and there are no issues with the Council acting on this Proposal pursuant to SEPA.

The Chair called for the question on Council Amendment No. on blue as amended; the motion carried.

Public Testimony on Proposal No. 2006-53s as Amended

Matt Hamilton, Bud Rehberg, James Halmo, and Diane Harris testified on the amended Proposal.

Bush stressed the Proposal is a good beginning because most of the preservation is there, and he complimented the Graham citizens for their involvement in the community.

The Proposal passed as amended on a roll call vote of five to two (Farrell and Goings voted nay).

Proposal No. 2006-79, An Ordinance of the Pierce County Council Vacating a Portion of 210th Avenue East Located in the Northeast Quarter of Section 34, Township 20 North, Range 5 East of the Willamette Meridian, in the Bonney Lake Area.

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

Staff Testimony

Weber reported the Proposal received a do pass recommendation from the Economic and Infrastructure Development Committee on August 15, 2006. Weber explained the right-of-way is a Type E vacation with the appraised value of \$93,889. Weber noted the City of Bonney Lake has no objections to the vacation.

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 six to zero (Goings was excused).

Proposal No. 2006-90s, An Ordinance of the Pierce County Council Amending Ordinance No. 2005-92s as Amended by Ordinance No. 2006-42s; and Modifying the County 2006 Budget.

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

Staff Testimony

Michael Transue, Budget Consultant, explained the supplemental appropriation primarily relates to the Tacoma-Pierce County Health Department. The fiscal change for the Health Department is \$4.896 million.

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

Transue explained how the amendment changes the current budget ordinance.

Bunney noted the amendments are Councilmember and Council District specific type of appropriations; Transue concurred.

Public Testimony on the Amendment to Council Amendment No. 1

Rick Harris, Tacoma-Pierce County Health Department, expressed concern regarding the unreserved fund balance, and requested the Council delay its decision on the amendment until the Health Department has more time to discuss the issue.

At the Chair's request, Transue responded to Harris' concern by explaining the requirement of the interlocal agreement as it relates to fund balance dollars. Transue noted that Budget and Finance has worked on the amendment language with him. Transue explained that County specific funds will not be subject to the amendment language.

Gelman asked for clarification of the role the Tacoma Pierce County Board, which is mentioned in the Proposal on page 1 of 9 at line 15.

Transue responded that it should read the "Tacoma-Pierce County Board of Health" and explained a technical amendment will be made to the Whereas clause because the Board of Health not the Department adopts the resolution.

In response to Lee's question, discussion ensued with the Council and Harris regarding the allocation of spent funds and fund balance.

The question was called; the motion carried.

Public Testimony on Proposal No. 2006-90s as Amended

Rick Harris mentioned the budget adjustment represents changes made by the Board of Health from January through June 2006 and there will be future changes provided by the Board of Health.

Transue informed the Council that any later supplemental appropriations will be submitted along with the rest of the budget ordinances.

The Chair instructed Transue to work with Harris and the Health Department director and the Budget and Finance director on any Health Department supplemental budget; Transue concurred.

The Proposal passed as amended on a roll call vote of six to zero (Goings was excused).

IX. Resolutions

Proposal No. R2006-127, A Resolution of the Pierce County Council Related to the Storm Drainage and Surface Water Management Utility; Finding that the Public Works and Utilities Department has Partially Complied With Provisions of the 2006 Budget and Authorizing Acquisition of the Filucy Bay Horse Farm.

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

Staff Testimony

Gross reported the Proposal was heard in the Economic Development and Infrastructure Committee on October 3, 2006 and received a do pass recommendation. Gross explained the Proposal releases funds appropriated in

the 2006 budget for the purposes of a 4.42 acre piece of property on the Key Peninsula. Gross spoke to the environmental reasons why Water Programs is requesting to purchase the property.

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

Lee informed the Council that if the property is purchased, he has asked Water Programs to research its use in a fashion that may provide public benefit. If none is identified, a condition will be placed on the property that no agricultural uses be allowed on that property and then surplus the property.

The Proposal passed on a roll call vote of six to zero (Goings was excused).

- X. Other Business/Announcements - None
- XI. Citizens' Forum - None
- XII. Adjournment

There being no further business, the meeting was adjourned at 6:55 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Shawn Bunney, Council Chair

Date Approved

Pierce County

Office of the County Council

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Attachment I

Council Amendment No. 1 Yellow

TO: Councilmembers

FROM: Council Members Shawn Bunney and Roger Bush

DATE: October 9, 2006

SUBJECT: **Ordinance No. 2006-52s, Graham Community Plan**

We recommend the following amendments to Proposed Ordinance No. 2006-52s:

1. On page 4 of the Ordinance, line 12, remove “February” and replace with “March”.
2. On page 48 of Exhibit B, remove the paragraph for Thrift RNC: and replace with the following:

Thrift RNC:
The Thrift RNC located at Orting-Kapowsin Highway and 224th St. E. should be retained.
3. After page 52 of Exhibit B, on the Proposed Land Use Designation and Proposed Zoning maps, correct mapping errors in the vicinity of Lake Kapowsin, on parcels meeting the criteria for RSR.
4. On page 3 of Exhibit C, line 20, 19A.40.070 A.2., remove “or volcanic hazard area” and insert “or” before “Mineral Resource Overlay”.
5. On page 5 of Exhibit D, Findings of Fact, Finding 36 regarding the Thrift RNC, add an “s” to “parcel” and change “was proposed” to “were proposed”.

Pierce County

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Attachment II

Council Amendment No. 1 Blue

TO: Councilmembers

FROM: Council Members Shawn Bunney and Roger Bush

DATE: October 9, 2006

SUBJECT: **Ordinance No. 2006-53s, Graham Community Plan**

We recommend the following amendments to Proposed Ordinance No. 2006-53s:

1. On page 4 of the Ordinance, page 6, line 2, remove “February” and replace with “March”.
2. On page 8 of Exhibit B, Table 18A.24.020, in the row for Lodging and the column for RSR, insert C1,5 in the cell, adding campgrounds and retreat centers as allowed uses.
3. On page 15 of Exhibit H, line 36, 18J.80.050 H.1.b., after “concrete sidewalks,” insert “barrier”.
4. After page 1 of Exhibit I, insert zoning atlas pages attached (see Clerk for a complete set of section maps for this insert).

Attachment III

The following *oral amendment* to Proposal No. 2006-53s passed at the October 10, 2006 Council meeting:

On page 13 of Exhibit A, at line 13, insert the following as shown:

18A.33.270

- K. **Lodging.** Lodging Use Type refers to establishments that provide lodging services. Examples include hotels, motels, master planned resorts, and retreat centers.

Level 1: Camp sites and recreational vehicle parks.

Level 2: Hotels and motels.

Level 3: Reserved.

Level 4: Employee Housing.

Level 5: Retreat Centers

Level 6: Campgrounds and camp site, not including recreational vehicle parks

Pierce County

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Attachment IV

December 18, 2006

COUNCIL AMENDMENT NO. 1 Blue

TO: Councilmembers

FROM: Michael Transue, Budget Consultant

SUBJECT: **PROPOSED SUBSTITUTE TO ORDINANCE NO. 2006-90**

It came to our attention during the Rules and Operations Committee meeting on this proposal that County unreserved fund balance is expended quickly during any given fiscal year. Under Section V(A)(6) of the Tacoma-Pierce County Health Department Interlocal Agreement, city and county funds documented as unreserved fund balance when the fiscal year closes are to be credited towards the following year's contribution. The intent of the first amendment below is to clearly specify that "documented unreserved fund balance" be one of the last source(s) to be used for expenditure purposes.

1. On page 8 of 9, line 41 (original proposal), add the following language:

"PROVIDED, that for budgeting, accounting and financial reporting purposes, and to the extent legally permissible, all revenues received by the Health Department shall be expended in the following priority order:

1. grants, fees and contributions directed or dedicated to support specific programs;
2. general state revenues; and
3. general local government allocations."

The current Exhibit "A" to Ordinance No. 2006-90 does not reflect the existing/ adopted 2006 Budget document layout very well. My recommendation is that the current Exhibit "A" be replaced with the attached Exhibit "A" in the proposed substitute proposal and the current Exhibit "A" be maintained in the file as a Source Document.

The following proposed amendments shift \$4,000 to the Domestic Violence Commission (+\$4,000) from two existing appropriated sources – Schools Out to Lights Out (-\$2,000) Portland Ave. Improvement – Econ Development (-\$2,000) and shift \$25,000 of existing funds from the Schools Out to Lights Out Program (-\$25,000) to the Friends of Lake Tapps line item (+\$25,000). The Domestic Violence Commission appropriation is to be used by the

Commission to help fund a domestic violence workshop for batterer treatment providers. It is anticipated that the City of Tacoma will also provide match funding of \$4,000.

To accomplish these changes, the following amendments are appropriate:

- On page 9 of 9 of the original Ordinance, add a new Section 2 to read as follows and renumber the remaining Sections accordingly.

"Section 2. The Miscellaneous Current Expense Fund of the 2006 Budget, Exhibit "A" to Ordinance No. 2005-92s, as amended by Ordinance No. 2006-42s, is hereby amended as follows:

Schools Out to Lights Out	\$ 190,000	163,000
Portland Ave Improv – Econ Devel	\$ 17,000	15,000
Domestic Violence Commission	\$ 54,420	58,420
Friends of Lake Tapps	\$ 15,000	40,000"

SIB/lm

c: Denise Johnson, Clerk of the Council

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