

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 22, 2005**

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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, Calvin Goings, and Terry Lee. Barbara Gelman arrived after roll call.

Council Staff Present: Steve Gross, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Hugh Taylor, Research Analyst; Michael Transue, Budget Consultant; 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)

1. PROPOSAL NO. 2005-110, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO TERMINATION OF NONCONFORMING USES; PROVIDING FOR TERMINATION OF TYPES OF NONCONFORMING USES AND FOR ADDING

CONDITIONS TO NONCONFORMING USE PERMITS; AND AMENDING SECTIONS 18A.05.130, "NONCONFORMING STANDARDS," AND 18A.75.070, "NONCONFORMING USE PERMIT," OF THE PIERCE COUNTY CODE 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

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

1. PROPOSAL NO. R2005-151, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING, 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.

Sponsored by: Councilmember Shawn Bunney
Department contact person: Suzanne Hedlund, 798-6880
Council contact person: Steve Gross, 798-7579
For referral to the Rules and Operations Committee
To be heard in the Rules and Operations Committee on November 28, 2005
Suggested date of Council hearing: November 29, 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:

- Pierce County Fire District 8
- Puyallup School District

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 Ordinances, which were approved and signed on November 4, 2005, was read into the record:

ORDINANCE NO. 2005-49, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE GUIDELINES FOR FUNDING PREVENTION PROGRAMS BY AMENDING ORDINANCE NO. 2001-82, WHICH SET PRIORITIES FOR FUNDING PREVENTION PROGRAMS AND CREATED THE ALLOCATION ADVISORY COMMITTEE TO MAKE RECOMMENDA-

TIONS AND MONITOR THE DISTRIBUTION OF THE 25 PERCENT PREVENTION REVENUES FROM THE ONE-TENTH OF ONE PERCENT CRIMINAL JUSTICE SALES AND USE TAX, AS SPECIFIED IN PIERCE COUNTY CODE 4.28.130.

ORDINANCE NO. 2005-65, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL LEVYING AN ASSESSMENT IN 2005, FOR COLLECTION IN 2006, AGAINST LAND IN PIERCE COUNTY FOR THE CONTROL OF NOXIOUS WEEDS.

ORDINANCE NO. 2005-69, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE PIERCE COUNTY CODE SECTION 4.20.050, "REQUEST FOR HEARING," TO PROVIDE ADDITIONAL TIME FOR PROPERTY TAXPAYERS TO ADEQUATELY RESEARCH AND PREPARE AN APPEAL TO THE BOARD OF EQUALIZATION REGARDING DETERMINATIONS THE TAXPAYER RECEIVES FROM THE ASSESSOR-TREASURER.

ORDINANCE NO. 2005-72, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 19D.60 OF THE PIERCE COUNTY CODE, "STORM DRAINAGE AND SURFACE WATER MANAGEMENT PLAN; AND ADOPTING THE "MID-PUYALLUP BASIN PLAN" FOR THE UNINCORPORATED AREA OF PIERCE COUNTY AS AN AREA UPDATE TO PIERCE COUNTY'S STORM DRAINAGE AND SURFACE WATER MANAGEMENT PLAN.

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS - None

VIII. ORDINANCES

PROPOSAL NO. 2005-79s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING YEAR 2005 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 CHAPTER 19A.100 OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES ELEMENT; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Taylor provided information on the Proposal. He reported the Proposal received a do pass as substituted recommendation from the Economic and Infrastructure Development Committee on November 16, 2005.

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

Taylor explained the Parks and Recreation Department requested the amendment.

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

The motion passed.

The Chair called for public testimony and Councilmember comments on Proposal No. 2005-79s as amended; there was no response.

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

PROPOSAL NO. 2005-82s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2006-2011 TRANSPORTATION IMPROVEMENT PROGRAM AND 2006-2019 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 2006; AND ADOPTING FINDINGS OF FACT. (ANNUAL ROAD PROGRAM, SIX-YEAR ROAD PROGRAM, AND THE FOURTEEN-YEAR FERRY PROGRAM)

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

Staff Testimony

Taylor explained the programs are updated on an annual basis. He reported the Proposal received a do pass as substituted recommendation by the Economic and Infrastructure Development Committee on November 1, 2005.

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

Taylor explained the amendment.

Public Testimony

Brian Ziegler, Director of Public Works and Utilities Department; and Kirk Kirkland testified in support of the amendment.

Farrell provided an explanation why he offered the amendment.

Ziegler responded to Councilmember questions on funding of the Canyon Road East - Northerly Extension project.

The Chair called for the question. The motion was defeated on a roll call vote of five to two (Goings, Lee, Muri, Gelman, and Bunney voted no).

Lee moved Council Amendment No. 2 on green; motion seconded. A copy of the amendment is identified as Attachment III to these minutes.

Staff Testimony

Taylor provided an explanation of the amendment. He pointed out new changes to CPF #5656 were distributed to Council at today's meeting.

Bush moved to amend the amendment motion to include an oral amendment to direct staff to insert appropriate numbers into the CRP #5656 project; motion seconded.

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

The motion passed.

The Chair called for public testimony and Councilmember comments on Proposal No. 2005-79s as amended; there was no response.

The Proposal passed as amended on a roll call vote of six to one (Farrell voted no).

PROPOSAL NO. 2005-85, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.08 OF THE PIERCE COUNTY CODE, "SUPERIOR COURT CLERK - ELECTRONIC DATA ACCESS SERVICES," REVISING THE FEES TO BE CHARGED BY THE CLERK FOR SUBSCRIPTION ACCOUNTS FOR ELECTRONIC ACCESS TO SUPERIOR COURT RECORDS; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Long explained the Proposal reduces certain fees. Long reported the Proposal received a do pass recommendation by the Rules and Operations Committee on October 31, 2005.

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

Long explained the amendment complies with the Charter requirement on effective dates.

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

The motion passed.

The Chair called for public testimony and Councilmember comments on Proposal No. 2005-85s as amended; there was no response.

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

At 3:45 p.m. the Chair called for a recessed. At 5:10 p.m. the business meeting reconvened with all Councilmembers in attendance.

RECONSIDERATION OF PROPOSAL NO. 2005-79s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING YEAR 2005 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 CHAPTER 19A.100 OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES ELEMENT; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

Having voted on the prevailing side, Goings moved to reconsider Proposal No. 2005-79s to correct a technical error; motion seconded.

Goings moved to substitute the provided green sheets with the table in the Proposal; motion seconded.

Staff Testimony

Taylor explained the substitute Proposal did not reflect the modifications made at Committee.

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

The Chair called for public testimony or Councilmember comments on the Proposal as amended on reconsideration; there was no response.

The reconsidered Proposal No. 2006-97s passed as amended on a roll call vote of seven to zero.

PROPOSAL NO. 2005-86, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 13.13.085 OF THE PIERCE COUNTY CODE, "RATES AND CHARGES," ESTABLISHING NEW RATES AND CHARGES FOR THE AVAILABILITY AND FURNISHING OF SANITARY SEWER SERVICE; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Transue explained the Proposal allows for a 2.7 percent rate increase, and he reported the Proposal received a do not pass recommendation by the Committee of the Whole.

The Chair called for public testimony and Councilmember comments; there was no response. The Proposal was defeated on a roll call vote of seven to zero.

Clerk note: Two votes were taken. In the first vote all Councilmembers, excluding Gelman, voted "no" on passing the Proposal. In the second vote the Chair provided the opportunity for Councilmembers to revote; Gelman changed her vote to "no" on passing the Proposal.

PROPOSAL NO. 2005-87s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 2003-112 IN ITS ENTIRETY; AMENDING THE NAME OF TITLE 10 OF THE PIERCE COUNTY CODE; ADOPTING A NEW CHAPTER 10.38, "FERRY FARES"; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Transue provided information on the Proposal and explained the substitute is consistent with the Anderson Island Board recommendations. He reported the Proposal received a do pass recommendation by the Committee of the Whole.

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

Pierce County Council Meeting
November 22, 2005

PROPOSAL NO. 2005-88s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING WAGE ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

Staff Testimony

Transue explained the Proposal allows for a cost of living increase. He reported the Proposal received a do pass as substituted recommendation by the Committee of the Whole.

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

PROPOSAL NO. 2005-89, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTIONS 2.05.060, "ENVIRONMENT FEES", 2.05.090, "SITE DEVELOPMENT REGULATION FEES", 2.05.110, "ADDITIONAL FEES", 2.05.130, "MISCELLANEOUS PLANNING FEES", AND 2.114.070, "FEES"; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Transue explained the Planning and Land Services Department fees and spoke to the revenue impacts of the fiscal note.

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

PROPOSAL NO. 2005-90, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 14.20.020, "SPRINKER RECREATION CENTER", 14.20.030, "LAKEWOOD COMMUNITY CENTER", AND 14.20.040 "FACILITY USER FEES" OF THE PIERCE COUNTY CODE BY AMENDING FEE SCHEDULES AND ADDING NEW FEES FOR PARKS AND RECREATION ACTIVITIES AND FACILITIES; AND ESTABLISHING AN EFFECTIVE DATE.

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

Staff Testimony

Transue explained the Parks and Recreation Services Department fees. Transue announced there are no Council amendments.

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

PROPOSAL NO. 2005-96s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2006 BUDGET BY DIRECTING CERTAIN COUNTY DEPARTMENTS, BOARDS, AND COMMISSIONS TO TAKE CERTAIN ACTIONS.

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

Staff Testimony

Transue withdrew Council Amendment No. 1 on lime and explained the amendment will be addressed in Proposal No. R2005-138. A copy of the amendment is identified as Attachment V to these minutes. Transue provided an overview of the Proposal.

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

PROPOSAL NO. 2005-97s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2006 BUDGET BY AMENDING THE POWERS, DUTIES OR RESPONSIBILITIES OF CERTAIN PIERCE COUNTY DEPARTMENTS, BOARDS, OR COMMISSIONS; AND AMENDING TITLE(S) _____ AND _____ OF THE PIERCE COUNTY CODE (PCC) IN CONNECTION THEREWITH.

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

Staff Testimony

Transue suggested an oral amendment to insert the "2.06" in the first title blank and remove "and _____" from the title.

Bush moved the oral amendment suggested by Transue; motion seconded.

Transue provided an overview of the substitute proposal. The effective date will be January 1, 2006.

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

The motion passed.

The Chair called for public testimony and Councilmember comments on the Proposal as amended; there was no response.

The Proposal passed as amended on a roll call vote of six to one (Farrell voted no).

PROPOSAL NO. 2005-98s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2004-107s, AS AMENDED BY ORDINANCE NO. 2005-44s AND ORDINANCE NO. 2005-62s2; AND MODIFYING THE COUNTY 2005 BUDGET.

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

Staff Testimony

Transue provided an overview of the Proposal.

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

PROPOSAL NO. 2005-99, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW SECTION TO CHAPTER 3.36 OF THE PIERCE COUNTY CODE TO INCREASE THE ANNUAL SALARY OF THE PIERCE COUNTY PROSECUTING ATTORNEY ON THE DATES AND IN THE AMOUNTS SET BY THE WASHINGTON CITIZEN'S COMMISSION ON SALARIES FOR ELECTED OFFICIALS FOR SUPERIOR COURT JUDGES.

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

Staff Testimony

Transue provided an overview of the Proposal.

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

PROPOSAL NO. 2005-100, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 9.48.010 OF THE PIERCE COUNTY CODE, "FEES ESTABLISHED," TO COVER THE COSTS OF THE ADMINISTRATION AND OPERATION OF THE JUVENILE DIVERSION PROGRAM.

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

Staff Testimony

Transue provided an overview of the Proposal.

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

PROPOSAL NO. 2005-91s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL SETTING THE 2006 AD VALOREM TAX LEVIES FOR PIERCE COUNTY FOR LEVY IN 2005 AND COLLECTION IN 2006.

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

Staff Testimony

Transue provided an overview of the Proposal. Transue reported the Proposal received a do pass recommendation by the Committee of the Whole on November 18, 2005.

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

Without objection from Council, Bunney suspended the Rules to advance to Section IX. Resolutions on the Council Agenda.

IX. RESOLUTIONS

PROPOSAL NO. R2005-138s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2006 BUDGET, DECLARING CERTAIN COUNTY POLICY AND/OR REQUESTING INFORMATION FROM AGENCIES OF COUNTY GOVERNMENT.

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

Staff Testimony

Transue reported the Proposal received a do pass recommendation by the Committee of the Whole on November 18, 2005. Transue provided an overview of the substitute Proposal.

Lee moved Council Amendment No. 1 on lilac; motion seconded. A copy of the amendment is identified as

Attachment VI to these minutes.
Transue explained the amendment.

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

The motion passed.

The Chair called for public testimony and Councilmember comments on the Proposal as amended; there was no response.

Lee moved Council Amendment No. 2 on bright orange; motion seconded. A copy of the amendment is identified as Attachment VII to these minutes.

Transue explained the amendment and read the proposed Section 3. into the record. Transue explained the intent of the Proposal. Transue stated Chuck Kleeberg, Director of Planning and Land Services Department, is in agreement with the new Section as written.

Public Testimony

Kleeberg expressed his concern with the implementation date of March 1, 2006 contained in Section 3. Kleeberg suggested June 30, 2006 as the implementation date.

After discussion, Bush amended the amendment by moving an oral amendment to change the "March 1, 2006" date to "July 1, 2006"; motion seconded.

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

The motion passed.

The Chair called for public testimony and Councilmember comments on the Proposal as amended; there was no response.

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

Lee moved Council Amendment No. 3 on salmon and to change "Stret" to "Street"; motion seconded. A copy of the amendment is identified as Attachment VIII to these minutes.

Staff Testimony

Transue explained the amendment.

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

The motion passed.

The Chair called for public testimony on the Proposal as amended; there was no response.

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

The Chair returned to the regular order of the business meeting at Section VIII., Item 15.

VIII. ORDINANCES, Continued

PROPOSAL NO. 2005-92s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE ANNUAL BUDGET OF PIERCE COUNTY FOR THE FISCAL YEAR 2006.

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

Staff Testimony

Transue explained the amendment.

Public Testimony

Brian Ziegler, Director of the Public Works & Utilities Department, testified on the amendment.

The motion passed.

Lee moved Council Amendment No. 2 on green; motion seconded. A copy of the amendment is identified as Attachment X to these minutes.

Public Testimony

Stephanie Arend, Superior Court Judge, testified on the amendment.

The motion passed.

Public Testimony

Bruce Minker, Sheriff's Department, testified on the Proposal as amended.

Councilmembers provided closing comments in support of the Proposal.
The Proposal passed as amended on a roll call vote of seven to zero.

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. CITIZENS' FORUM

1. Jeff Strege addressed the Council regarding private property rights.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:00 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Shawn Bunney, Council Chair

Date Approved

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