

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 23, 2004**

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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 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Moss; 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, Harold Moss, and Kevin Wimsett.

Council Staff Present: Steve Gross, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Legal Counsel; Linda Medley, Legal Clerk; Carolyn Pendle, Research Analyst; Michael Transue, Budget Consultant; Tom Weber, Administrator/Research & Policy; Christine Wilson, Councilmember Assistant; Victoria Woodards, Councilmember Assistant.

There were approximately 40 visitors present.

IV. APPROVAL OF AGENDA

Wimsett moved approval of the Agenda; motion seconded.

At the direction of the Chair, Transue walked through the final Council agenda, and clarified that Proposal Nos. 2004-98 and 2004-100 are not substituted proposals, and Proposal No. R2004-154 is a substitute.

Wimsett moved to amend the Agenda as stated by Transue; motion seconded.

The Agenda was passed as amended on a voice vote.

V. CONSENT AGENDA

a. Approval of Minutes

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

1. PROPOSAL NO. 2004-124, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATING TO TAXATION AND IMPOSING AN EXCISE TAX ON TIMBER HARVESTED FROM PRIVATE LANDS AND FROM PUBLIC LANDS, PHASED-IN OVER TEN YEARS, AND CREDITED AGAINST THE STATE TAX; AMENDING CHAPTER 4.08 OF THE PIERCE COUNTY CODE, "HARVESTERS OF TIMBER - EXCISE TAX"; AUTHORIZING THE EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE STATE OF WASHINGTON, DEPARTMENT OF REVENUE, REGARDING THE ADMINISTRATION AND COLLECTION OF SAID TAX; AND ESTABLISHING A JANUARY 1, 2005, EFFECTIVE DATE.
Sponsored by: Councilmember Harold Moss
Contact person: George Walk, 798-7363
Suggested date of Council hearing: December 14, 2004

2. PROPOSAL NO. 2004-125, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO THE STORM DRAINAGE AND SURFACE WATER MANAGEMENT ADVISORY BOARD, CHANGING THE MEMBERSHIP REQUIREMENTS OF THE BOARD AND AMENDING CHAPTER 11.03 OF THE PIERCE COUNTY CODE IN CONNECTION THEREWITH.
Sponsored by: Councilmember Calvin Goings
Contact person: Steve Gross, 798-7579
For referral to the Rules & Operations Committee
To be heard by the Rules & Operations Committee on November 29, 2004
Suggested date of Council hearing: December 14, 2004

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

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 Revised Code of Washington (RCW) 84.52.020:

- Pierce County Fire District No. 1
- Pierce County Fire District No. 8
- Pierce County Fire District No. 15
- Tacoma School District No. 10

Wimsett moved approval of the Consent Agenda; motion seconded.

Wimsett moved that Proposal No. 2004-125 reflect him as the correct sponsor; motion seconded and passed.

The Consent Agenda passed as amended 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 November 8, 2004, was read into the record:

ORDINANCE NO. 2004-18s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE WIRELESS TELECOMMUNICATIONS FRANCHISE TO VOICESTREAM PCS III CORPORATION, A SUBSIDIARY OF T-MOBILE USA, INC., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE WIRELESS TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

ORDINANCE NO. 2004-42, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO EMAN NETWORKS, FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

ORDINANCE NO. 2004-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 14.08.030 OF THE PIERCE COUNTY CODE TO ADD A DEFINITION OF THE WORD "TRAIL"; AND AMENDING SECTION 14.08.060 OF THE PIERCE COUNTY CODE TO

LIMIT TRAIL USE TO CERTAIN NON-MOTORIZED MEANS.

ORDINANCE NO. 2004-89s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE WIRELESS TELECOMMUNICATIONS FRANCHISE TO PACIFIC BELL WIRELESS NORTHWEST, LLC, A DELAWARE LIMITED LIABILITY COMPANY, d/b/a CINGULAR WIRELESS, FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE WIRELESS TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

2. A message from the Executive transmitting the following Ordinance, which was approved and signed on November 8, 2004:

ORDINANCE NO. 2004-76s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2003-107s; AND AMENDING THE 2004 PIERCE COUNTY BUDGET.

3. A message from the Executive transmitting the following Ordinances, which were approved and signed on November 9, 2004:

ORDINANCE NO. 2004-56s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); AMENDING TITLE 17A OF THE PIERCE COUNTY CODE, "CONSTRUCTION AND INFRASTRUCTURE REGULATIONS-SITE DEVELOPMENT AND STORMWATER DRAINAGE"; AMENDING THE PIERCE COUNTY STORMWATER MANAGEMENT AND SITE DEVELOPMENT MANUAL ADOPTED THROUGH ORDINANCE NO. 96-46s2, AS AMENDED; AMENDING TITLE 17B, "CONSTRUCTION AND INFRASTRUCTURE REGULATIONS-ROAD AND BRIDGE DESIGN"; REPEALING TITLE 18E; ADOPTING CHAPTERS 18E.10, "GENERAL PROVISIONS," 18E.20, "USE AND ACTIVITY REGULATIONS," 18E.30, "WETLANDS," 18E.40, "REGULATED FISH AND WILDLIFE SPECIES AND HABITAT CONSERVATION AREAS," 18E.110, "EROSION HAZARD AREAS," AND 18E.120, "GRAPHICS AND FIGURES FOR TITLE 18E," FOR A NEW TITLE 18E, "DEVELOPMENT REGULATIONS-CRITICAL AREAS," CREATED AS AN ELEMENT OF THE DIRECTIONS PACKAGE; ADOPTING CRITICAL AREAS ATLAS MAPS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS

OF FACT.

ORDINANCE NO. 2004-57s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); REPEALING TITLE 18E OF THE PIERCE COUNTY CODE; ADOPTING CHAPTERS 18E.50, "AQUIFER RECHARGE AND WELLHEAD PROTECTION AREAS," 18E.60, "VOLCANIC HAZARD AREAS," 18E.70, "FLOOD HAZARD AREAS," 18E.80, "LANDSLIDE HAZARD AREAS," 18E.90, "SEISMIC (EARTHQUAKE) HAZARD AREAS," AND 18E.100, "MINE HAZARD AREAS" FOR A NEW TITLE 18E, "DEVELOPMENT REGULATIONS-CRITICAL AREAS," CREATED AS AN ELEMENT OF THE DIRECTIONS PACKAGE; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.
ORDINANCE NO.

ORDINANCE NO. 2004-58s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); AMENDING TITLE 18 OF THE PIERCE COUNTY CODE, "DEVELOPMENT REGULATIONS-GENERAL PROVISIONS"; AMENDING TITLE 18A, "PIERCE COUNTY DEVELOPMENT REGULATIONS-ZONING"; AMENDING TITLE 18B, "DEVELOPMENT REGULATIONS-SIGNS"; AMENDING TITLE 18D, "DEVELOPMENT REGULATIONS-ENVIRONMENTAL"; REPEALING THE EXISTING TITLE 18H AND ADOPTING A NEW TITLE 18H, "DEVELOPMENT REGULATIONS-FOREST PRACTICES AND TREE CONSERVATION"; AMENDING TITLE 18I, "DEVELOPMENT REGULATIONS-NATURAL RESOURCE LANDS"; AMENDING TITLE 18J, "DEVELOPMENT REGULATIONS-DESIGN STANDARDS AND GUIDELINES"; REPEALING THE IMPERVIOUS COVER AND VEGETATION RETENTION STANDARDS IN THE PARKLAND-SPANAWAY-MIDLAND, GIG HARBOR PENINSULA, FREDERICKSON, AND SOUTH HILL COMMUNITY PLAN IMPLEMENTING REGULATIONS IN SECTIONS 18A.35.020, 18J.30.050, 18J.40.060, 18J.50.040 AND 18J.60.050, CONSISTENT WITH SUNSET PROVISIONS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

PROPOSAL NO. R2004-158, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE RECOGNIZING HAROLD MOSS FOR HIS LONG AND DISTINGUISHED CAREER OF PUBLIC SERVICE AND PROCLAIMING DECEMBER 4, 2004, AS "HAROLD MOSS" DAY IN PIERCE COUNTY.

Wimsett moved adoption; motion seconded. The Clerk read

the Proclamation in its entirety into the record. Councilmembers provided remarks in support of the Proclamation and acknowledged Moss for his work on the Council and in the community.

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

VIII. ORDINANCES

PROPOSAL NO. 2004-94s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO SCHOOL IMPACT FEES; INCREASING THE MAXIMUM FEE OBLIGATION IN 2005 AND 2006; SUSPENDING THE COST OF LIVING ADJUSTMENTS FOR 2005 AND 2006; AMENDING SECTIONS 4A.30.020 D. AND 4A.30.030 OF THE PIERCE COUNTY CODE (PCC); DESIGNATING THE COUNTY EXECUTIVE TO REVIEW SCHOOL IMPACT FEE CALCULATIONS ANNUALLY AS THEY ARE SUBMITTED WITH SCHOOL DISTRICT CAPITAL FACILITY PLANS; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Pendle explained the Proposal will raise the maximum school impact amount by 25% for 2005 and 25% for 2006. After two years the school impact fees would resume at the Consumer Price Index.

Muri spoke in support of the proposal.

Pendle stated the Proposal received a do pass as substituted recommendation by the Community Development Committee on October 25, 2004.

Goings explained why the park impact fees were not included in the Proposal. He thanked Lee for the compromise legislation and thanked Wimsett for co-sponsoring the Proposal.

Lee spoke in support of the Proposal.

Public Testimony

Marian Berejikian, Friends of Pierce County; and Laura Schultz spoke in support of the Proposal.

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

PROPOSAL NO. 2004-92s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING YEAR 2004 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.

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

Staff Testimony

Taylor provided information on the Proposal, and stated the document will be reviewed annually. The Proposal had three hearings in the Community Development Committee.

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

Taylor explained the amendment is technical in nature.

The Chair called for public testimony on the amendment; there was no response. The motion passed. The Chair called for public testimony on the amended Proposal; there was no response. The Proposal passed as amended on a roll call vote of seven to zero.

PROPOSAL NO. 2004-99s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2005-2010 TRANSPORTATION IMPROVEMENT PROGRAM AND 2005-2018 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 2005; AND ADOPTING FINDINGS OF FACT. (ANNUAL ROAD PROGRAM, SIX-YEAR ROAD PROGRAM, AND THE FOURTEEN-YEAR FERRY PROGRAM)

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

Staff Testimony

Taylor provided information on the Proposal, stating the Proposal had three hearings in the Community Development Committee. The Proposal received a do pass as substituted recommendation by the Committee on November 16, 2004.

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

PROPOSAL NO. 2004-95, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTIONS 2.05.040, 2.05.060, 2.05.070, 2.05.080, 2.05.090, 2.05.100, 2.05.105, 2.05.110, 2.05.120, AND 2.05.130 OF THE PIERCE COUNTY CODE CHAPTER 2.05, PLANNING AND LAND SERVICES DEPARTMENT FEES; INCREASING DEVELOPMENT FEES TO SUPPORT DIRECTIONS PACKAGE AND OTHER SERVICES PRESENTLY BEING PERFORMED WITHOUT A FEE; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Transue explained the Proposal implements the adopted Directions legislation package. The Proposal received a do pass recommendation by the Committee of the Whole on November 8, 2004.

Public Testimony

Tiffney Speir, Master Builders Association; Katherine Rudolph, Association of Realtors; and Gil Hulsmann spoke to the Proposal.

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

PROPOSAL NO. 2004-98, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING WAGE ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

Staff Testimony

Transue explained the Proposal would be effective January 1, 2005. The Proposal received a do pass recommendation by the Committee of the Whole on November 19, 2004.

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

PROPOSAL NO. 2004-100, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 13.13.085 OF THE PIERCE COUNTY CODE BY ESTABLISHING NEW RATES AND CHARGES FOR THE AVAILABILITY AND FURNISHING OF SANITARY SEWER SERVICE; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Transue explained the Proposal and its fiscal note. The Proposal received a do pass recommendation by the Committee of the Whole on November 19, 2004. In response to Gelman's question, Transue spoke to the last increases for sewer service.

Brian Ziegler, Director of Public Works and Utilities, spoke to the last increases and noted the reason for the sewer increase. He noted the actual costs will be ongoing. In response to Lee's question, Ziegler explained how Pierce County rates compare to the rates of other municipalities in the region.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of six to one (Wimsett voted no).

PROPOSAL NO. 2004-101, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.114.070 OF THE PIERCE COUNTY CODE BY ADJUSTING THE PROCESSING FEE FOR OPEN SPACE LAND AND TIMBER LAND APPLICATIONS.

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

Staff Testimony

Transue provided information on the Proposal.

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

PROPOSAL NO. 2004-102, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.04.170 OF THE PIERCE COUNTY CODE, ASSESSOR-TREASURER FEES, BY DELETING FEES FOR PRODUCTS AND SERVICES NO LONGER AVAILABLE; INCREASING FEES FOR COPIES AND MAPS; ESTABLISHING A NEW FEE SCHEDULE FOR COPIES OF ELECTRONIC RECORDS AND SERVICES PROVIDED BY THE ASSESSOR-TREASURER'S OFFICE; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Transue stated on November 19, 2004, the Proposal received a do pass recommendation by the Committee of the Whole, and he explained the Proposal's fiscal note.

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

PROPOSAL NO. 2004-103s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 14.20 OF THE PIERCE COUNTY CODE "PARKS AND RECREATION SERVICES FEES", BY AMENDING FEE SCHEDULES, ADDING NEW FEES FOR PARKS AND RECREATION ACTIVITIES AND FACILITIES; AND ESTABLISHING AN EFFECTIVE DATE FOR THE NEW FEES.

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

Staff Testimony

Transue stated on November 19, 2004, the Proposal received a do pass as substituted recommendation by the Committee of the Whole, and he explained committee amendment.

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

PROPOSAL NO. 2004-104, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 8.92 OF THE PIERCE COUNTY CODE, "DISPOSITION OF THE REMAINS OF INDIGENT DECEDENTS", ALLOWING THE DEPARTMENT OF THE MEDICAL EXAMINER TO ACCEPT ADMINISTRATIVE RESPONSIBILITY FOR THE IMPLEMENTATION OF SAID CHAPTER.

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

Staff Testimony

Transue stated on November 19, 2004, the Proposal received a do pass recommendation by the Committee of the Whole.

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

PROPOSAL NO. 2004-105, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.05 OF THE PIERCE COUNTY CODE, PLANNING AND LAND SERVICES DEPARTMENT FEES, BY CREATING AN ASSESSOR-TREASURER DEPARTMENT FEE FOR REVIEWING VARIOUS LAND USE APPLICATIONS.

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

Staff Testimony

Transue provided information on the Proposal, and stated the Proposal received a do pass recommendation by the Committee of the Whole on November 19, 2004. In response to Gelman's question, he spoke to the standard fee increase.

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

PROPOSAL NO. 2004-108s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 14.20.050 OF THE PIERCE COUNTY CODE, "GOLF COURSE FEES", BY AMENDING PARTICIPANT FEE SCHEDULES AT FORT STEILACOOM AND LAKE SPANAWAY GOLF COURSES; AND ESTABLISHING AN EFFECTIVE DATE.

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

Staff Testimony

Transue provided information on the Proposal, and stated the Proposal received a do pass as substituted recommendation by the Committee of the Whole on November 19, 2004. He explained the committee amendment.

PROPOSAL NO. 2004-109, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 97-110S; AUTHORIZING AN INCREASE IN THE SERVICE FEE FOR THE PRESENTMENT OF EX-PARTE ORDERS BY THE CLERK OF THE SUPERIOR COURT FROM \$30.00 TO \$40.00 AND OTHER SERVICES ON A FEE BASIS; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Transue explained the service fee and stated on November 19, 2004, the Proposal received a do pass recommendation by the Committee of the Whole. There were no committee amendments.

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

PROPOSAL NO. 2004-110, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 93-73, WHICH ESTABLISHED AND AUTHORIZED THE COLLECTION OF A SURCHARGE UPON DOMESTIC RELATION MATTERS TO PROVIDE BUDGETARY FUNDING FOR A COURTHOUSE FACILITATOR PROGRAM TO ASSIST PRO SE LITIGANTS; IMPOSING A \$10.00 USER FEE ON ALL COURTHOUSE FACILITATOR PROGRAM REQUESTS RECEIVED RELATING TO CASES FILED UNDER TITLE 26 RCW; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Transue provided information on the Proposal, and stated on November 19, 2004, the Proposal received a do pass recommendation by the Committee of the Whole.

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

PROPOSAL NO. 2004-116, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 17C.60.085, "PERMIT FEES"; 17C.60.090, "INSPECTION FEES"; AND 17C.10.070, "FEES" (TABLE 17C.10-1-F, FIRE PROTECTION PERMITS); OF THE PIERCE COUNTY CODE REVISING THE FIRE PREVENTION BUREAU FEES FOR SERVICES; AND SETTING AN EFFECTIVE DATE.

Staff Testimony

Transue explained the service fee and the Proposal received a do pass recommendation by the Committee of the Whole stated on November 19, 2004. He explained the revenue impacts of the fiscal note. In response to Gelman's question regarding if fees would be raised in the future, Transue stated he cannot answer to a future increase.

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

PROPOSAL NO. 2004-117s AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2005 BUDGET BY DIRECTING CERTAIN COUNTY DEPARTMENTS, BOARDS, AND COMMISSIONS TO TAKE CERTAIN ACTIONS.

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

Staff Testimony

Transue suggested an oral amendment on Ordinance page 1, line 13, to insert today's date.

Wimsett moved adoption of Council Amendment No. 1 on green and Transue's suggested oral amendment; motion seconded. A copy of the amendment memo is identified as Attachment II to these minutes.

Transue explained the technical amendments.

The Chair called for testimony on the amendments; there was no response. The motion passed on a voice vote.

Goings moved an oral amendment on Ordinance page 3 of 6, to delete Section 3. in its entirety and renumber accordingly; motion seconded.

The Chair called for testimony on the amendments; there was no response. The motion passed on a voice vote.

Transue explained the Proposal Sections as adopted by the Committee.

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

PROPOSAL NO. 2004-118, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2005 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.

Wimsett moved consideration; motion seconded. The Clerk read the title into the record.

Staff Testimony

Transue explained that on November 22, 2004, the Committee of the Whole forwarded the Proposal to Council with no recommendation. Transue suggested the Proposal be postponed indefinitely.

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

PROPOSAL NO. 2004-106s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL SETTING THE 2005 AD VALOREM TAX LEVIES FOR PIERCE COUNTY FOR LEVY IN 2004 AND COLLECTION IN 2005.

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

Staff Testimony

Transue stated the Proposal received a do pass as substituted recommendation by the Committee of the Whole on November 19, 2004. He explained the fiscal note is approximately \$132 million. He explained the Committee amendment.

Bunney stated the Proposal is based on Initiative 747.

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

**PROPOSAL NO. 2004-107s AN ORDINANCE OF THE PIERCE COUNTY COUNCIL
ADOPTING THE ANNUAL BUDGET OF PIERCE COUNTY FOR THE FISCAL YEAR
2005.**

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

Staff Testimony

Transue explained the Proposal and stated the Proposal received a do pass as substituted recommendation by the Committee of the Whole on November 22, 2004. He explained the Committee amendments and the proposed Council amendments. All Funds Budget Total is \$804 million.

Transue suggested two oral amendments: (1) Ordinance page 10, line 14, change "734" to "234" in Total all Funds, and (2) on Council Amendment No. 1 on yellow change Ethnic Fest from "~~39,000~~" to "~~39,030~~", and change "**30,200**" to "**39,230**".

Wimsett moved to adopt Council Amendment No. 1 on yellow and incorporate the two oral amendments suggested by Transue; motion seconded. A copy of the amendment memo is identified as Attachment III to these minutes.

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

Councilmembers Bunney, Lee and Muri spoke in support of the Proposal.

The motion passed.

The Chair called for public testimony on the amended Proposal.

Public Testimony

Tiffney Speir, Master Builders Association, spoke in support of the Proposal.

Councilmembers Goings, Gelman and Moss thanked Transue and staff members of the Council, the Budget and Finance Department, and the Executive's Office for their work on the Proposal.

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

IX. RESOLUTIONS

PROPOSAL NO. R2004-136s2, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ACKNOWLEDGING RECEIPT OF THE CITIZENS ADVISORY BOARD'S RECOMMENDATIONS FOR FUNDING THE PURCHASE OF CONSERVATION FUTURES PROPERTIES; AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO NEGOTIATE THE PURCHASE OF CONSERVATION FUTURES PROPERTIES; REQUESTING THE PIERCE COUNTY EXECUTIVE TO DEVELOP A FINANCING PROPOSAL BY MAY 1, 2005, FOR THE PURCHASE THEREOF; AND REQUESTING THE PIERCE COUNTY EXECUTIVE TO DEVELOP A COMPREHENSIVE STRATEGY FOR THE FUTURE PURCHASE OF DEVELOPMENT RIGHTS FOR AGRICULTURAL LANDS AT THE HIGHEST RISK FOR CONVERSION TO OTHER USES.

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

Staff Testimony

Taylor stated the Proposal received a do pass as substituted recommendation by the Community Development Committee on November 18, 2004.

Lee recognized Goings for his efforts on the Proposal and for his vision for saving property. He spoke in support of the projects listed.

Goings thanked the Councilmembers for their support and spoke to preserving acreage in the County.

Muri spoke to the purchase of property in 2005 and 2006, stating he looks forward to the May 1 recommendations.

Gelman spoke to the importance of working together on conservation futures.

Public Testimony

Roxy Giddings spoke in opposition to the Proposal, commenting on the criteria of purchasing property.

Howard Anderson spoke in support of the Proposal, commenting on Snake Lake.

Mark DeRosia, City of Milton, spoke to wetland space concerns and expressed concerns regarding the Gateway site. He suggested the Proposal be amended to meet the needs of the City.

Goings responded to Giddings comments. At the request of Bunney, Taylor responded to DeRosia's

comments

Bunney asked that the City of Milton provide him a letter addressing its concerns. Bunney acknowledged the Mayor of Milton and other Milton staff in attendance.

In response to Gelman's question, Goings spoke to the role of the advisory board and noted that the Chair of the advisory board attended meetings and was part of the Proposal process.

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

PROPOSAL NO. R2004-154s, A RESOLUTION OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2005 BUDGET, DECLARING CERTAIN COUNTY POLICY AND/OR REQUESTING INFORMATION FROM AGENCIES OF COUNTY GOVERNMENT.

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

Staff Testimony

Transue explained the Proposal and stated the Proposal received a do pass as substituted recommendation by the Committee of the Whole on November 22, 2004. He spoke to Section 5. of the Proposal.

Transue suggested an oral amendment on page 1, line 16, to insert today's date in the blank.

Wimsett moved the suggested oral amendment; motion seconded.

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

The motion passed.

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

X. OTHER BUSINESS/ANNOUNCEMENTS - None

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

XI. GENERAL PUBLIC COMMENTS

1. Jessica Verano, Tacoma Community College Student; Boris Tuong, Foss High School Student; and Sam Geyman, Lincoln High School Student, spoke to the smoking ban and second-hand smoke. The comment note cards presented to the Council are contained in the Clerk's meeting file.
2. Michael Transue thanked the Council and its staff for the budget process and the budget Proposal.

Lee and Goings thanked the students for their remarks and encouraged them to attend a Board of Health meeting to testify on the smoking ban issue.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:35 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Harold Moss, Council Chair

Date Approved