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LAKWOOD CITY COUNCIL

MINUTES

November 20, 1995

Clover Park School District Board Room

Student Services Center

10903 Gravelly Lake Drive SW

CALL TO ORDER

Mayor Harrison called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Richard Rabisa by request of Mayor Harrison.

ROLL CALL

Councilmembers Present: 7 - Mayor Bill Harrison; Deputy Mayor Claudia Thomas; Councilmembers Ann Kirk Davis, Colleen Henry, Jose Palmas, Doug Richardson and Sherri Thomas.

Staff Present: City Manager D. Scott Rohlfs; City Attorney Dan Heid; Finance Director Galen Kidd; and City Clerk Alice Bush.

City Manager D. Scott Rohlfs; City Attorney Dan Heid; Finance Director Galen Kidd; and City Clerk Alice Bush.

APPROVAL OF THE AGENDA

DEPUTY MAYOR THOMAS MOVED TO APPROVE THE AGENDA AS PRESENTED. SECONDED BY COUNCILMEMBER THOMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

APPROVAL OF THE MINUTES

DEPUTY MAYOR THOMAS MOVED TO AMEND THE SECOND SENTENCE OF PARAGRAPH 2, PAGE 6 OF THE NOVEMBER 13, 1995 MINUTES TO READ AS FOLLOWS:

AMayor Harrison on behalf of the City Council appointed Ms. Andie Gernon as the Council=s representative to begin the initial steps for collaboration with social agencies.@

SECONDED BY COUNCILMEMBER DAVIS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

MESSAGES FROM CITY MANAGER/DEPARTMENTS/CITY ATTORNEY

City Manager Rohlfs provided the Council with a draft agenda for the Council Retreat scheduled for December 1 and 2, 1995. He requested Councilmembers to provide Alice Bush, City Clerk, with menu selections.

GENERAL PUBLIC COMMENTS

*Mike Lacadie, representative of the Pierce County Site Selection Task Force on the jail facility, provided an update of the recommendations of the Task Force. Mr. Lacadie explained that the objective of the Task Force was to provide*

*recommendations to the Pierce County Council on the time frame, location, cost and future needs of the jail facility. The Task Force recommended to the Pierce County Council that its first choice for the jail facility was to keep the current facility, do away with the garage, and build a vertical facility to accommodate 1,200 - 1,300 beds by 2012. He indicated that none of the top three jail sites were in Lakewood. The other two sites being considered are at 8th and G Streets and 9th Street and Yakima Avenue. He noted that there will be a levy on the ballot in February for a permanent jail facility. Richard Robees, Tillicum resident, asked what happened to the \$3.8 million that Judge Bryant awarded to repair 146th Street. Mayor Harrison asked City Manager Rohlfs to look into this matter. Kay Bickford, Lakewood resident, asked if she could provide testimony on the land use moratorium ordinance at this time or later when the item would be before the Council. Mayor Harrison indicated she should provide testimony now or later.*

## **PUBLIC HEARING**

### Second Period Interim Budget (January 1 - February 28, 1996)

City Manager Rohlfs presented the second interim budget for the period January 1 - February 28, 1996 totaling \$213,613. He indicated that there will be a second public hearing for the second and third budgets on Monday, November 27, 1995. Ordinances for both budgets will also be before the Council for adoption on November 27, 1995. City Manager Rohlfs then gave an overview of each departmental budget.

Discussion ensued on clarification of Small Tools and Minor equipment, fax charges, postage and employment agency fees for recruiting staff.

*Gerry Auger, Lakewood resident, asked if the funding code 07, ACommunity@ in the second interim budget was the same department as code 07, ADevelopment@ in the third interim budget. He also asked why the Public Works funding in the third interim budget was no longer there. City Manager Rohlfs replied that the funding code 07 represented Community Development in both the second and third budgets. He explained that the Public Works budget in the third interim budget is under City Streets Fund.*

### Third Period Budget (February 29 - December 31, 1996)

City Manager Rohlfs presented the third interim budget for the period February 29 - December 31, 1996 totaling \$9,672,138. He noted that the changes primarily include staffing for a Municipal Court and the Legal department depending on whether the Council decides to have a Municipal Court. He then reviewed the funding for additional staff positions in Community Development, Human Resources, Public Safety, and Contract Compliance.

City Manager Rohlfs then presented Option 2 of the third budget totaling \$10,178,378. He explained that the difference between the third budget and the Option 2 budget was in start-up costs and staffing for Municipal Court. In addition, borrowing from the road tax reflects a minor increase in Option 2.

Mayor Harrison asked City Manager Rohlfs to explain the difference in revenues between the Transition Team projections and the Option 2 budget. City Manager Rohlfs explained that the Transition Team projections anticipated Motor Vehicle Excise Tax - Criminal Justice Funds which the City is not eligible for in 1996 because Lakewood was not a city on November 1, 1995. He indicated that these funds will be available and budgeted for in the 1997 budget. He added that Community Development Block Grant funds will not be available until 1997 as well.

Discussion ensued on the various staffing positions for Community Development, including a building officer, permit specialist/assistant, planners and a consultant to develop a comprehensive plan.

Mayor Harrison suggested that when the department of Community Development is established, staff look at how quickly it can process citizen requests for permits.

Mayor Harrison requested clarification on whether the City must pay for public health services. City Manager Rohlfs indicated that State law changes in July 1995 provided a provision for the County to get a share of the Motor Vehicle Excise Tax for health care services. In summary, the City should not be required to pay for these services.

Councilmember Thomas asked if Pierce County made a decision on what they intend to do with Harry Todd park near Steilacoom. City Manager Rohlfs stated that they intend to hand over the community center and Harry Todd to Lakewood.

Councilmember Davis asked if there are any tax revenues generated from the parks. City Manager Rohlfs indicated that there are some tax revenues generated from the golf course, community centers and developmental impact fees. He stated that staff is seeking data from the County.

Councilmember Palmas pointed out that under the City Streets category, there is a \$418,000 expenditure for salaries and wages when only one (1) FTE is budgeted. City Manager Rohlfs indicated that it should read \$18,000 in salaries and \$400,000 in the fund balance.

Councilmember Palmas asked if provisions for street lights were budgeted. City Manager Rohlfs replied that street lights are budgeted under the Intergovernmental Revenue category in the Arterial Street Fund. Also, Public Works staffing and activities were moved into the City Street Fund.

Councilmember Palmas asked if the City could fund street lights for public safety reasons. City Manager Rohlfs indicated that the installation of street lights could be done by Council policy. For example, the City could install street light poles, through a franchise, and the surrounding residents could pay for the lights.

*JB Layne, Lakewood Resident, asked if there was something the City could do legally to require the County to transfer its parks and facilities to the City. City Attorney Heid explained that there is no State law that mandates the County to turn over its assets once a City is incorporated. City Manager Rohlfs indicated that the City will make every effort in its negotiations with the County to provide what is best for the citizens of Lakewood.*

*Jack Avril, Lakewood Resident, asked if the budget provided for two public defenders. City Manager Rohlfs stated that the budget includes \$50,000 for public defenders and investigation fees.*

*Charlie Maxwell, Lakewood Resident, asked if a 2 FTE was budgeted for landmarks and cultural activities as recommended by the Transition Team. City Manager Rohlfs indicated that there is a person that will be staffed out of Community Development to work on these activities, but not specifically designated.*

*Gerry Auger, Lakewood Resident, suggested that the budget be identified by source of funds, i.e., General Fund. City Manager Rohlfs indicated that the budget reflects General Fund dollars.*

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Council recessed at 8:40 p.m. and reconvened at 8:47 p.m.

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## **ORDINANCES**

### **Ordinance No. 95-11 establishing the office of City Manager, prescribing the duties of the City Manager, and authorizing the City Manager to create departments, offices and positions.**

City Attorney Heid explained that Ordinance No. 95-11 establishes the provision for adopting the duties and responsibilities of the City Manager pursuant to State Law Chapter 35A.13.

COUNCILMEMBER HENRY MOVED TO APPROVE ORDINANCE NO. 95-11 ESTABLISHING THE OFFICE OF CITY MANAGER, PRESCRIBING THE DUTIES OF THE CITY MANAGER AND AUTHORIZING THE CITY MANAGER TO CREATE DEPARTMENTS, OFFICES AND POSITIONS. SECONDED BY COUNCILMEMBER PALMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

### **Ordinance No. 95-12 relative to the disclosure of public records of the City.**

City Attorney Heid indicated that Ordinance 95-12 corresponds to the Federal Freedom of Information law which sets forth a process for making public records available to the public. The ordinance further defines which records are exempt from public disclosure.

DEPUTY MAYOR THOMAS MOVED TO APPROVE ORDINANCE NO. 95-12 RELATIVE TO THE DISCLOSURE OF PUBLIC RECORDS OF THE CITY. SECONDED BY COUNCILMEMBER HENRY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

**Ordinance No. 95-13 establishes the office of the Hearing Examiner.**

City Manager Rohlfs indicated that Ordinance 95-13 provides for establishing the office of the Hearing Examiner. He explained that State law requires that citizens be provided a forum for hearing matters relating to land use, zoning and code enforcement activities. City Manager Rohlfs indicated that the Hearing Examiner would be hired on an hourly, contractual basis. He stated that the City has the alternative to establish a Board of Adjustments to hear land use matters; however, staff recommends contracting with a Hearing Examiner.

Mayor Harrison added that the Transition Team recommended the hiring of a Hearing Examiner.

Councilmember Thomas asked if the decisions of the Hearing Examiner are appealable to the City Council. City Manager Rohlfs indicated that some matters are appealable to the Council and other matters are appealable directly to Superior Court.

Council Member Henry pointed out that in the Transition Team documents, if a Municipal Court is established, then the duties of the Hearing Examiner would be delegated to the Court Commissioner. She indicated that a Court Commissioner is not budgeted in the Option 2 budget. City Manager Rohlfs explained that until there has been an opportunity to build some history to measure volume and whether there will be a full-time court, it is uncertain whether to delegate the Hearing Examiner duties.

Mayor Harrison reported that the Pierce County Council recently changed their ruling on appeals that are heard before the County Council. The County Council elected to have County appeals be heard before Superior Court for a number of reasons. Mayor Harrison asked if the City Council should consider what kind of appeals the City Council would want to hear now. City Manager Rohlfs indicated that most appeals do not come before the City Council. There could be changes made to this Ordinance in the future without affecting the term of the Hearing Examiner.

Councilmember Thomas asked if non-conforming use expansions are appealable to the City Council. City Manager Rohlfs replied that non-conforming use permits should be used for maintenance and repair of the use and not for expansion purposes and would likely not be allowed for expansions.

Mayor Harrison asked what is the definition of *Ajust case@* on page 2 of the ordinance. City Attorney Heid explained that the term is recognized as standard terms of employment and is a contract terminology which means to have reason for justification. *Gerry Auger, Lakewood resident, recommended that the City contract for a Hearing Examiner.*

*, Lakewood resident, recommended that the City contract for a Hearing Examiner.* Councilmember Richardson asked if there is a fee for appealing before Superior Court. City Manager Rohlfs indicated that the appeal fee is set by Superior Court.

COUNCILMEMBER DAVIS MOVED TO APPROVE ORDINANCE NO. 93-13 TO ESTABLISH THE OFFICE OF A HEARING EXAMINER. SECONDED BY COUNCILMEMBER THOMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

**Ordinance 95-14 establishing a Planning Advisory Board.**

City Manager Rohlfs indicated that State law requires that public hearings be held on various planning matters and that such hearings be held before a Planning Advisory Board. City Manager Rohlfs indicated that Ordinance 93-14 provides for the creation of a seven member Board with five year staggered terms.

*Craig Flamme, Lakewood resident, commented that the Planning Advisory Board will be making recommendations to the Council on legislative issues. He then explained the make-up of the City of Tacoma=s Planning Commission, which he is a member of.*

DEPUTY MAYOR THOMAS MOVED TO APPROVE ORDINANCE NO. 95-14 ESTABLISHING A PLANNING ADVISORY BOARD. SECONDED BY COUNCIL MEMBER PALMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

**RESOLUTIONS**

**Resolution No. 95-18 establishing a small works roster process.**

City Manager Rohlfs indicated that Resolution No. 95-14 establishes a small works roster process for the compilation of vendor lists to bid on small works projects.

Councilmember Henry asked how would the vendor=s list be established. City Manager Rohlfs indicated that staff will be actively searching for qualified contractors including Lakewood business to be included in the list.

COUNCILMEMBER PALMAS MOVED TO APPROVE RESOLUTION NO. 95-18 TO ESTABLISH A SMALL WORKS ROSTER PROCESS. SECONDED BY COUNCILMEMBER HENRY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

**Resolution No. 95-19 establishing selected moratoria during the pre-incorporation period through February 28, 1996.**

City Attorney Heid reported that Resolution 95-19 provides for a moratorium on certain development permits and approvals during the pre-incorporation period. Mayor Harrison indicated that this moratorium does not necessary address the Lipstix permit. He clarified that this ordinance pertains only to new applications that are filed between now and February 28, 1996.

Councilmember Thomas asked if this ordinance applies to approval of pending permits. City Attorney Heid explained that the new State statute does not clearly define the term Approvals.@ Mayor Harrison indicated that the City Attorney will be presenting the City=s position on the Lipstix permit at the hearing on December 7, 1995, in addition to a Council=s position which is being drafted for consideration.

Councilmember Palmas questioned the feasibility of imposing a moratorium on jails and prisons. City Attorney Heid replied that the Council could include a broader developmental moratorium, however, Resolution No. 95-19 does not address jails and prisons. It was also indicated that the timing of current proposals on correctional facilities would likely not be affected by this short term moratoria.

COUNCILMEMBER RICHARDSON MOVED TO APPROVE RESOLUTION NO. 95-19

ESTABLISHING A MORATORIA DURING THE PRE-INCORPORATION PERIOD

THROUGH FEBRUARY 28, 1996. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

**OTHER BUSINESS**

**Discussion of Resolution submitted by Lakewood United and Lakewood Community Council.**

City Manager Rohlfs explained that at the November 13, 1995 City Council meeting, a resolution by Lakewood United and Lakewood Community Council was presented to the Council on the proposed pre-release facility at Western State Hospital. City Manager Rohlfs indicated that a letter could be sent to Western State Hospital, the State Department of Corrections and the Department of Social and Health Services requesting additional information on the following issues:

- 1) disclosure of past, present and final budget impacts of the proposed facility,
- 2) disclosure of all compliance activities including environmental impact statements, studies and variances related to the proposed facility, and
- 3) a request for a one-year delay in any decision on the proposed pre- release facility.

*Jack Avril, Lakewood resident, commented that he has not been able to get any answers from the Department of Corrections.*

*JB Layne, Lakewood resident, commented that the letter was excellent.*

Councilmember Thomas requested that the letter also be sent to State Representatives.

Councilmember Richardson requested that the letter include a question about Western State Hospital=s current operating procedures on bed checks and accounting for individuals that are checked into the facility.

Councilmember Palmas suggested that staff solicit input from JCAHO, an organization that accredits hospitals and the association governing health care financing concerning the proposed facility.

COUNCILMEMBER DAVIS MOVED TO AUTHORIZE MAYOR HARRISON TO SIGN THE LETTER TO WESTERN STATE

HOSPITAL, THE DEPARTMENT OF CORRECTIONS AND DEPARTMENT OF SOCIAL AND HEALTH SERVICES REGARDING THE COUNCIL=S POSITION ON THE PROPOSED PRE-RELEASE FACILITY AT WESTERN STATE HOSPITAL. SECONDED BY COUNCILMEMBER PALMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

**ANNOUNCEMENTS**

Mayor Harrison welcomed City Clerk Alice Bush, to the City of Lakewood.

Mayor Harrison announced that Councilmember Davis was appointed by the Pierce County Executive to serve on the Regional Transportation Authority.

Mayor Harrison announced that Councilmember Thomas has accepted an appointment to serve on the McNeil Island Community Advisory Committee.

Mayor Harrison indicated that he was approached by Dale Foreman, candidate for Governor, requesting an opportunity to meet informally with Councilmembers. City Attorney Heid cautioned the Council that if there is a quorum of the Council during any meeting in which City business is discussed, the Open Meetings Act must be complied with and proper notice of the meeting must be given. Discussion ensued. Mayor Harrison directed staff to call Mr. Foreman and explain the delicacy of holding such an informal meeting.

Councilmember Davis reported that she had pleasure of representing the Council at the Chamber Creek property master site plan meeting. She indicated that meetings will be held in January and the plan should be finalized then. She also reported on a meeting she attended about Tacoma=s business neighborhood districts revitalization program. Councilmember Davis indicated that informational material about the program is available for Council=s review.

Deputy Mayor Thomas reported on the meeting she attended with social service agencies and associations for families and youth. She indicated that the purpose of the meeting was to network and identify current levels of service and funding sources.

**ADJOURNMENT**

COUNCILMEMBER HENRY MOVED TO ADJOURN. SECONDED BY COUNCILMEMBER THOMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

The meeting adjourned at 10:20 p.m.

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BILL HARRISON, MAYOR

ATTEST:

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ALICE M. BUSH, CITY CLERK

**LAKESWOOD CITY COUNCIL**

**WORKSHOP MINUTES**

November 20, 1995

Clover Park School District Board Room

Student Services Center

Mayor Harrison called the meeting to order at 10:25 p.m.

Councilmembers Present: 7 - Mayor Bill Harrison; Deputy Mayor Claudia Thomas; Councilmembers Ann Kirk Davis, Colleen Henry, Jose Palmas, Doug Richardson and Sherri Thomas.

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Staff Present: City Manager D. Scott Rohlfs; City Attorney Dan Heid; and City Clerk Alice Bush.

City Manager D. Scott Rohlfs; City Attorney Dan Heid; and City Clerk Alice Bush.

**Discussion of proposed ordinance establishing a Municipal Court.**

City Attorney Dan Heid discussed the feasibility of creating a Municipal Court for the City of Lakewood. He explained that if the City were to establish a Municipal Court it must do so by ordinance by December 1, 1995 to become effective January 1, 1996.

City Manager Rohlfs indicated that the proposed Court would be housed in the leased space for City Hall at People=s Plaza. He indicated that staff has provided assurances that the Court can be started by February 28, 1996. The Court will start with 3 FTEs and increase to as many as 9 FTEs in 1996.

Discussion ensued on the merits of establishing a Municipal Court versus contracting for services with Pierce County.

City Manager Rohlfs requested the Council=s authority to move forward with placing a ordinance before the Council to create a Municipal Court. Also, he requested Council=s authority to file a declaratory judgment with Superior Court. City Manager Rohlfs noted that staff should know around December 15 whether the declaratory was successful. Council directed staff to place an ordinance establishing a Municipal Court on the November 27, 1995 Council=s agenda and directed staff to file a declaratory judgment.

**Further review of second and third interim budget.**

City Manager Rohlfs indicated that the Option 2 budget for the period February 29 - December 31, 1996 will be placed on the November 27, 1995 Council=s agenda for consideration. He explained that the Option 2 budget provides for a Municipal Court; reduction of approximately \$80,000 in Finance for a GIS system; increase in the animal safety contract with Pierce County Humane Society from \$65,000 to \$104,000; and one additional position in the City Clerk=s Office.

**OTHER BUSINESS**

Council requested that the working dinner at the Council=s retreat on December 1, 1995 be catered.

Mayor Harrison informed the Council that they may be getting a formal request from a citizens committee to endorse the upcoming school levy. Mayor Harrison indicated that City Attorney Heid will be advising the Council on how to proceed with this matter as a full Council.

Mayor Harrison announced that at the December 7, 1995 Hearing Examiner=s hearing regarding the Lipstix application for a non-conforming permit, staff will be providing a statement on the Council=s position and reasons for objecting the project. Mayor Harrison requested staff to contact the legislative liaisons to the Tacoma Chamber of Commerce, City of Tacoma, Pierce County and the Association of Washington Cities to secure a list of legislative issues that affect their jurisdictions.

**ADJOURNMENT**

There being no further business, the workshop adjourned at 11:15 p.m.

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BILL HARRISON, MAYOR

ATTEST:

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