

1995 11 27

LAKWOOD CITY COUNCIL MINUTES

November 27, 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 7:01 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Charlie Maxwell 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.

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

APPROVAL OF THE AGENDA

COUNCIL MEMBER HENRY MOVED TO APPROVE THE AGENDA AS PRESENTED. SECONDED BY COUNCILMEMBER PALMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

APPROVAL OF THE MINUTES

COUNCIL MEMBER THOMAS MOVED TO AMEND PAGE 2 OF THE NOVEMBER 20, 1995 REGULAR COUNCIL MEETING MINUTES TO CORRECT THE SPELLING OF ARICHARD ROBEES@ TO ARICHARD RABISA.@ MAYOR HARRISON NOTED THAT PAGE 1 OF THE NOVEMBER 20, 1995 COUNCIL WORKSHOP MINUTES SHOULD BE AMENDED AS FOLLOWS: A...IF THE CITY WERE TO ESTABLISH A MUNICIPAL COURT IT MUST DO SO BY ORDINANCE BY DECEMBER 1,1995 TO BECOME EFFECTIVE FEBRUARY 28, 1996.@ SECONDED BY COUNCIL MEMBER HENRY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

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MESSAGES FROM CITY MANAGER/DEPARTMENTS/CITY ATTORNEY

City Manager Rohlfs provided the Council with copies of the agenda for the Council Retreat on December 1 and 2,1995.

He then provided Council with copies of a draft job description for the position of Community Development Director. He indicated that some of the duties in the job description were recommended by some Councilmembers and Transition Team members. He informed the Council that draft descriptions for the positions of Human Resources Administrator and Engineering Manager will be provided to the Council soon.

City Manager Rohlfs reported that lease negotiations have been completed for the interim City Hall facilities at People's Plaza. He indicated that staff will be moving into the facility on December 1. The new phone system should be operational on Monday, December 4, 1995. He commented that an option for leasing space in the basement for a Municipal Court is included in the lease agreement should the City desire to exercise its option. He reported that the pole sign for City Hall is on hold for now. He explained that the landlord did not anticipate that the cost for the sign was going to be more than what he had allowed. Staff will be working on this matter. In addition, the details for the provision of a flag pole are also being worked out.

PUBLIC COMMENTS

Charlie Maxwell, Lakewood resident, requested the Council's support to help raise \$5,000, through the sale of bumper stickers, to paint the water tower with A City of Lakewood. Mr. Maxwell explained that a group of citizens believe that this could be a way to give Lakewood greater visibility and place Lakewood on the map.

CONSENT AGENDA

Approval of pay vouchers in the amount of \$26,196.01 for the period ending November 15, 1995.

City Manager Rohlfs requested Council approval of the issuance of pay vouchers totaling \$26,196.01 for the period ending November 15, 1995.

COUNCILMEMBER THOMAS MOVED TO APPROVE PAYROLL VOUCHERS IN THE AMOUNT OF \$26,196.01 FOR THE PERIOD ENDING NOVEMBER 15, 1995. SECONDED BY COUNCILMEMBER HENRY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

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PUBLIC HEARING

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

Mayor Harrison announced that tonight is the second public hearing for both the second period interim budget and the third period budget.

City Manager Rohlfs presented the second interim General Fund budget for the period January 1 - February 28, 1996 totaling \$213,613.

There were no testimony from the public.

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

City Manager Rohlfs presented the third period General Fund budget for the period February 29 - December 31, 1996 totaling \$10,299,380. He explained that the third period budget includes staffing of 45 FTEs. He then highlighted the changes of this budget which primarily included the provision for a Municipal Court. He then described the staffing levels for each department.

Councilmember Davis questioned what level of service would be provided by the Recreational Manager. City Manager Rohlfs replied that the budget reflects not only maintenance but scheduling and coordinating services for activities at the community centers.

City Manager Rohlfs described that the General Fund dollars can be summarized into the following categories:

Charges for services 4.3%

Operating supplies 1.1%

Salaries and benefits 16.5%

Intergovernmental services 69.8%

Capital 1.2%

Other 7.1%

He then described the City Streets Fund which includes three FTEs and the Arterial Streets Fund which includes one FTE. The Surface Water Management fund was also reviewed. He indicated that the all funds budget total is \$18,458,380.

City Manager Rohlfs described the 1996 revenue projections in the General Fund, City Streets Fund, Arterial Streets Fund and the Surface Water Management Fund.

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Councilmember Davis asked for an explanation of the variances between the proposed budget and the Transition Team projections for the total budget amount. City Manager Rohlfs indicated that the basic difference has been in accounting. He explained that the \$18 million includes \$2.3 million in interfund loans. The differences in revenues were primarily in the projections for the City Streets Fund, criminal justice funds and sales tax. He noted that expenditures came in at or below the Transition Team recommendations.

Councilmember Davis asked if the City would continue to have sales tax equalization revenues in 1997. City Manager Rohlfs replied yes.

Councilmember Davis asked if Community Development Block Grant funds were included in the budget. City Manager Rohlfs indicated that no funds are included in 1996 as Pierce County will still receive them. However, in 1997 the City would have to decide if it wants to seek entitlement and obtain grants on its own, or contract with the Pierce County Consortium.

Councilmember Thomas asked what is the difference between City Streets and Arterial Streets Funds and why are they budgeted separately. City Manager Rohlfs explained that State law dictates how funding is to be set up for street funds. He indicated that the funds are separated for auditing purposes and State law dictates what kinds of revenues must be designated for City streets and arterial streets.

There was no testimony from the public.

Mayor Harrison declared the public hearing closed.

ORDINANCES

Ordinance No. 15 establishing a Municipal Court for the City of Lakewood.

City Attorney Heid explained that Ordinance No. 15 provides for the establishment of a Municipal Court effective February 28, 1996. Council was provided with copies of a summons and complaint for a declaratory judgment action that will be filed with Pierce County Superior Court to clarify the State statute on the City's ability to commence a Municipal Court on February 28, 1996.

Councilmember Davis asked if the Municipal Court would be operational by February 28, 1996, specifically, the computer information system. City Attorney Heid indicated that staff would initially obtain a court-type system that would later be replaced with a system that would be able to link up with the State information system.

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Councilmember Henry commented that if the Municipal Court is created, all ticket citations in Lakewood should have ACity of Lakewood@ noted on the form. City Attorney Heid indicated that police officers may have to write ACity of Lakewood@ on the ticket forms until the uniform form is changed.

Councilmember Thomas asked if jurors are required to be paid a \$20 fee. City Attorney Heid stated that the fee has to be paid jurors, and that the \$20 fee is standard but not specifically required at that level.

Councilmember Thomas asked if section 14 of the ordinance included conducting night court. City Attorney Heid replied that night court was not provided but not precluded.

Councilmember Richardson asked when will the declaratory judgment decision be made. City Attorney Heid indicated that he was hopeful that a decision could be made before December 25, 1995.

Councilmember Richardson asked staff to quantify what steps must be taken to start a Municipal Court by February 28, 1996.

City Attorney Heid indicated that criminal and traffic codes would need to be in place. The City will also need a prosecutor and police officers writing citations. The City would need to hire a Municipal Court Administrator to assemble staff and programs to receive, categorize and track the number of tickets and violations of City code.

Councilmember Palmas suggested to remove the language duplication in sections 10 and 13 of the ordinance. He asked if a judge pro tem could be removed in the same manner as noted in section 12 of the ordinance. City Attorney Heid replied yes.

Councilmember Palmas asked for clarification on section 20 of the ordinance regarding the use of credit cards. City Attorney Heid explained that section 20 is intended to allow defendants to pay fines through the use of credit cards.

Alan Bell, Lakewood resident, commented that the Transition Team recognized as an option that the City did not necessarily need to set up a Municipal Court to enforce criminal codes. He commented that the City would not necessarily need to develop a criminal code, that the City could leave the cases in the district court. He also indicated that a Municipal Court was not needed to try criminal cases. He indicated that working through civil penalties rather than criminal penalties would avoid the expenditures for jails, a Municipal Court judge, prosecutor and public defender.

City Attorney Heid explained that costs for prosecution would come to the City irregardless. If the City does not have a criminal code, then the County would prosecute. By State statute cities abandoning criminal codes could have to pay the

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cost for those prosecuting services and the revenues derived would be received by the County.

DEPUTY MAYOR THOMAS MOVED TO ADOPT ORDINANCE NO. 15 ESTABLISHING A MUNICIPAL COURT FOR THE CITY OF LAKEWOOD. SECONDED BY COUNCILMEMBER HENRY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Ordinance No. 16 adopting the second interim budget from January 1 -

February 28, 1996.

COUNCILMEMBER DAVIS MOVED TO APPROVE ORDINANCE NO. 16 ADOPTING THE SECOND INTERIM BUDGET FROM JANUARY 1 - FEBRUARY 28, 1996. SECONDED BY COUNCILMEMBER THOMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Ordinance No. 17 adopting the third period budget from February 29 -

December 31, 1996.

COUNCILMEMBER HENRY MOVED TO APPROVE ORDINANCE NO. 17 ADOPTING THE THIRD BUDGET FROM FEBRUARY 29 - DECEMBER 31, 1996. SECONDED BY COUNCILMEMBER DAVIS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Ordinance No. 18 establishing fees and charges for services provided.

City Clerk Bush explained that Ordinance No. 18 establishes fees for services including the reproduction of public records, publications, various plans, reports, codes, and audio tapes. Also included, are special fees for the preparation of verbatim transcripts of minutes meetings and certification of documents.

COUNCILMEMBER THOMAS MOVED TO ADOPT ORDINANCE NO. 18 ESTABLISHING FEES AND CHARGES FOR SERVICES PROVIDED. SECONDED BY COUNCILMEMBER PALMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Council recessed at 9:00 p.m. and reconvened at 9:10 p.m.

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Ordinance No. 19 providing for the indemnification of City officers and employees.

City Attorney Heid indicated that State law provides for the indemnification of City officials, employees and volunteers from defense of claims of liabilities arising from

acts of omissions while performing duties for the City.

COUNCILMEMBER THOMAS MOVED TO ADOPT ORDINANCE NO. 19 PROVIDING FOR THE INDEMNIFICATION OF CITY OFFICERS AND EMPLOYEES. SECONDED BY COUNCILMEMBER DAVIS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Ordinance No. 20 providing for taxation of certain gambling activities.

City Manager Rohlfs explained that Ordinance No. 20 provides for the taxation of certain gambling activities within the city.

COUNCILMEMBER THOMAS MOVED TO ADOPT ORDINANCE NO. 20 PROVIDING FOR THE TAXATION OF CERTAIN GAMBLING ACTIVITIES. SECONDED BY COUNCILMEMBER PALMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

RESOLUTION

Resolution 1995-20 establishing policies and procedures for reporting improper governmental actions.

City Attorney Heid indicated that Resolution 1995-20 complies with State law requirements for reporting improper governmental actions.

COUNCILMEMBER THOMAS MOVED TO ADOPT RESOLUTION 1995-20 ESTABLISHING POLICIES AND PROCEDURES FOR REPORTING IMPROPER GOVERNMENTAL ACTIONS. SECONDED BY COUNCILMEMBER HENRY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

OTHER BUSINESS

Councilmember Richardson asked if the Council could discuss the topic of hearings and public meetings at the December 1 and 2 Council Retreat. Mayor Harrison indicated

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that there is a time on the agenda under general discussion where this issue could be brought discussed.

Councilmember Palmas reported that he and Councilmember Davis had an opportunity to meet with Ms. Sherry Boyd from the State Department of Community, Trade and Economic Development. He indicated that Ms. Boyd is interested in working on

economic development issues with the City.

Mayor Harrison announced that there will be no Council meeting on December 26, 1995 (December 25, 1995 is a holiday). The Council will hold regular meetings at 7 :00 p.m. on December 4, 11,18 and January 3, 1996. The Council will also hold workshops beginning at 6:00 p.m. on December 6 and 13, 1995.

Mayor Harrison suggested that the Council=s workshop on December 6 consist of a public safety tour of Lakewood with Mr. Dunbar, Pierce County Sheriff John Shields and the Chair of the Transition Team.

Mayor Harrison suggested that the December 13 Council workshop agenda include an informational presentation of the school levy that is being proposed by the Clover Park School District Board.

Mayor Harrison asked City Manager Rohlfs if Pierce County submitted a status report on items the City had requested in its October 23, 1995 letter. City Manager Rohlfs indicated that the County has provided some information. He indicated that he will be meeting with Pierce County Deputy Executive McNair to get additional information prior to entering into negotiations with Pierce County.

Mayor Harrison reported that the letters regarding Western State Hospital=s proposed pre-release facility will be mailed on November 28, 1995.

Councilmember Richardson requested that the Council begin discussions on proposed legislative issues prior to the Legislative session. He indicated that the Lake Steilacoom Homeowners Association has an interest on an issue that the Council may want to consider. City Manager Rohlfs indicated that he will provide the Council with the Association of Washington Cities current legislative agenda.

ANNOUNCEMENTS

Councilmember Richardson announced that Councilmember Palmas can be viewed on Channel 28. He reported that Councilmember Palmas co-hosts ALatino Voices@ on the public access TV. Deputy Mayor Thomas reported that the social service group continues to meet. She indicated that the focus of today=s discussion was on schools and those agencies that serve children.

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Councilmember Davis reported that she attended an RTA meeting with Pierce County Executive Sutherland, Tacoma Councilmember Paul Miller, Janet Ash of Pierce Transit and staff of the RTA. She indicated that she will be meeting with Ms. Ash to receive additional information on the Regional Transit Authority.

Mayor Harrison and Councilmember Palmas suggested that a holiday celebration unique to Lakewood should be planned perhaps for next year.

ADJOURNMENT

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

The meeting adjourned at 10:00 p.m.

BILL HARRISON, MAYOR

ATTEST:

ALICE M. BUSH, CITY CLERK

LAKESWOOD CITY COUNCIL

WORKSHOP MINUTES

November 27, 1995

Clover Park School District Board Room

Student Services Center

10903 Gravelly Lake Drive SW

Mayor Harrison called the meeting to order at 10:00 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.

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

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Further discussion of December 7, 1995 Hearing Examiner Hearing on Lipstix

City Manager Rohlfs indicated that the draft November 27, 1995 letter that was provided in Council=s agenda packet, addressed to the Pierce County Hearing Examiner will be presented at the December 7, 1995 Hearing Examiner=s hearing on Lipstix=s non-conforming use permit. City Manager Rohlfs asked if the Council had any further changes to make to the draft letter. He indicated that he would be making minor changes to the letter to make it more philosophical from Council=s standpoint. He explained that City Attorney Heid will review with the Council, the legal arguments he will be presenting before the Hearing Examiner.

Councilmembers agreed to proceed with finalizing the draft letter.

Councilmember Palmas suggested that the letter include a statement that Lakewood has a high number of adult entertainment establishments for a city this size.

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ADJOURNMENT

COUNCILMEMBER DAVIS MOVED TO ADJOURN. SECONDED BY COUNCILMEMBER PALMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

The meeting adjourned at 10:05 p.m.

BILL HARRISON, MAYOR

ATTEST:

ALICE M. BUSH, CITY CLERK

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