

1996 06 17

LAKWOOD CITY COUNCIL MINUTES

Monday, June 17, 1996

Clover Park School District Board Room

Student Services Center

10903 Gravelly Lake Drive SW

Lakewood, WA 98499

CALL TO ORDER

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

ROLL CALL

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

Staff Present: City Manager D. Scott Rohlfs; City Attorney Dan Heid; Community Development Director David Bugher; Engineering Manager Bill Larkin; Human Resources Administrator Debra Young; Principal Planner Roger Blaylock; Civil Engineer Ken Gunther; and City Clerk Alice Bush.

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FLAG SALUTE

The Pledge of Allegiance was led by Jack Avril by request of Mayor Harrison.

PROCLAMATIONS AND PRESENTATIONS

Proclamation recognizing graduating students of schools and colleges in the newly incorporated city of Lakewood.

Mayor Harrison read a proclamation recognizing and congratulating the first graduating students in the newly incorporated City of Lakewood.

Proclamation declaring the week of June 24, 1996 as Friends of Lakewood Library Week.

Mayor Harrison proclaimed the week of June 24, 1996 as Friends of Lakewood Library Week and presented the proclamation to Juanita Ash.

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Proclamation declaring the week of June 16-22, 1996 as Hire a Veteran Week.

Mayor Harrison proclaimed the week of June 16-22, 1996 as Hire a Veteran Week.

Public Comments

Wallace Warrick, 11512 Interlaaken Drive SW, spoke in support of the ordinance providing for business license regulations for kennels. She suggested that the number of days that animals may be kept by the person housing the

animal be increased from 60 to 120 days, especially when housing animals that are recovering from surgery.

Richard Rabisa, Tillicum resident, complimented the Lakewood Police for patrolling the Tillicum area. He also expressed concern about a serious hazard condition at Portland Avenue and Maple Street and suggested that a four-way stop sign be placed at that intersection.

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Jack Avril, 11033 Dean Ct. SW, spoke against a fireworks ordinance and felt fireworks should be allowed. He proposed changes to the section on fireworks stands with regard to electrical power and types of combustible fuel.

C O N S E N T A G E N D A

A. Approval of the minutes of the City Council meeting of June 3, 1996.

B. Approval of claim vouchers in the amount of \$708,786.52 for the period ending May 30, 1996.

C. Approval of claim vouchers in the amount of \$679,678.79 for the period ending June 12, 1996.

D. Approval of payroll vouchers in the amount of \$63,375.78 for the period May 16-31, 1996.

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

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R E G U L A R A G E N D A

Public Hearing and Appeals

This is the date set for a hearing by the City Council on the appeal of Harr Family Homes regarding the Decision of the Pierce County Hearing Examiner on the preliminary plat for Lake Louise Place.

Mayor Harrison called on City Attorney Heid who explained the Council's role and process for hearing the appeal.

Mayor Harrison asked if any member of the Council felt that he or she would not be able to be fair and impartial in considering this quasi-judicial matter involving the Harr Family Homes.

Deputy Mayor Thomas declared that she attended a meeting of the Lake Louise neighborhood and did not participate in the discussions at the meeting. She indicated that she could be fair and impartial, however, in appearance of fairness, she would recuse herself from participating in the appeal. Deputy Mayor Thomas then excused herself from the Council meeting.

Councilmember Richardson declared that he attended a neighborhood watch meeting and excused himself from the vicinity where discussions about the appeal took place.

Councilmember Palmas declared that in 1990 or 1991 Ms. Stephanie Arend and her law firm provided him with advise on a real property matter.

Mayor Harrison then asked if there was any member of the public who felt that any member of the City Council could not be able to be fair and impartial in considering he quasi-judicial matter involving the Harr Family Homes appeal. There were no comments from the public.

Mayor then called upon City Attorney Heid who presented the findings, conclusions and decision of the Pierce County Hearing Examiner.

Mayor Harrison then called upon Ms. Stephanie Arend, Attorney representing appellant, Harr Family homes, presented reasons for the appeal on the condition that the preliminary plat be revised to no more than four dwelling units per acre and with a maximum of 36 lots being permitted. Ms. Arend argued that the density should be allowed to

increase up to six dwelling units per acre.

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Discussion ensued on density, sanitary sewers, and the Comprehensive Plan.

Mayor Harrison then called on Mr. David Swindale, Lakewood Citizens for Responsible Development (LCRD), who presented reasons in support of the Pierce County Hearing Examiner's decision. Mr. Swindale recommended that the Council uphold the Examiner's Decision.

Ms. Arend then provided rebuttal comments. Mr. Swindale then provided rebuttal comments.

Council recessed at 8:45 p.m. to closed session for deliberation and reconvened at 9:17 p.m.

COUNCILMEMBER THOMAS MOVED THAT THE HEARING EXAMINER'S DECISION WITH REGARD TO HARR FAMILY HOMES BE UPHeld WITH RESPECT TO DENSITY AND TO CHANGE THE REQUIREMENT THAT THE FINAL PLAT MUST BE OBTAINED FROM THREE (3) YEARS TO FIVE (5) YEARS. SECONDED BY COUNCILMEMBER PALMAS.

ROLL CALL VOTE WAS TAKEN RESULTING AS FOLLOWS:

AYES: 5 - HENRY, PALMAS, RICHARDSON, S. THOMAS AND

MAYOR HARRISON

NAYES: 0

ABSTAIN: 0

ABSENT: 2 - DAVIS AND C. THOMAS

THE MOTION CARRIED.

Council recessed at 9:25 p.m. and reconvened at 9:30 p.m.

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Deputy Mayor Thomas returned to the Council meeting at 9:30 p.m.

Mayor Harrison announced that the Council will consider Resolution No. 1996-21 at this time.

RESOLUTIONS

Resolution No. 1996-21 supporting the Ten-Year Regional Transit System Plan to be submitted to the voters on November 5, 1996.

DEPUTY MAYOR THOMAS MOVED TO ADOPT RESOLUTION NO. 1996-21. SECONDED BY COUNCILMEMBER PALMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Mayor Harrison announced that the Council will consider Motion 1996-8 at this time.

NEW BUSINESS

Motion 1996-8 approving the final plat for Creekside Oaks Phase II located on the west side of Lakewood Drive for 109 single-family residential lots.

COUNCILMEMBER HENRY MOVED THAT THE FINAL PLAT OF CREEKSIDE OAKS PHASE II IS APPROVED CONTINGENT UPON RECEIPT OF PERFORMANCE BONDS TO ASSURE COMPLETION OF REQUIRED IMPROVEMENTS; AND THE CITY MANAGER IS INSTRUCTED BY THE CITY COUNCIL NOT TO SIGN THE FINAL PLAT UNTIL THE PERFORMANCE BONDS ARE SECURED IN FAVOR OF THE CITY OF LAKEWOOD. SECONDED BY DEPUTY MAYOR THOMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Mayor Harrison announced that the Council will consider Ordinance No. 84 at this time.

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ORDINANCES

Ordinance No. 84 creating Chapter 8.68 of the Lakewood Municipal Code relative to fireworks.

Speaking before the Council were:

Ken Brouillette, Fire Marshal, spoke about the positive aspects of enforcing the proposed ordinance to one day from the Fire District's standpoint.

Forrest Thompson, Portland Avenue, spoke about the Muckelshoot sale of fireworks and expressed concern about allowing 16 year olds to discharge fireworks.

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DEPUTY MAYOR THOMAS MOVED TO ADOPT ORDINANCE NO. 84. SECONDED BY COUNCILMEMBER HENRY.

COUNCILMEMBER RICHARDSON MOVED TO AMEND SECTION 8.68.020 (E) OF ORDINANCE 84, TO READ "FOR ANY PERSON TO USE, DISCHARGE OR EXPLODE ANY FIREWORKS IN A NEGLIGENT OR RECKLESS MANNER, OR DURING A PERIOD OTHER THAN FROM 11:00 A.M. TO 11:00 P.M. FROM JUNE 28 THROUGH THE FOURTH OF JULY OF ANY YEAR AND FROM DECEMBER 31, MIDNIGHT TO 1:00 A.M. JANUARY 1 OF ANY YEAR...." SECONDED BY COUNCILMEMBER THOMAS.

ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 84 RESULTING AS FOLLOWS:

AYES: 3 - PALMAS, RICHARDSON AND S. THOMAS.

NAYES: 4 - DAVIS, HENRY, C. THOMAS, AND MAYOR HARRISON.

ABSTAIN: 0

ABSENT: 0

THE MOTION TO AMEND FAILED.

COUNCILMEMBER DAVIS MOVED TO AMEND SECTION 8.68.020 (E) OF ORDINANCE NO. 84 TO ALLOW THE USE OF FIREWORKS TO TWO DAYS BEFORE AND TWO DAYS AFTER THE FOURTH OF JULY (JULY 2-6). SECONDED BY COUNCILMEMBER THOMAS.

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COUNCILMEMBER DAVIS MOVED TO AMEND THE AMENDMENT OF SECTION 8.68.020 (E) OF ORDINANCE NO. 84 TO ALLOW THE USE OF FIREWORKS TO ONE DAY BEFORE AND ONE DAY AFTER THE FOURTH OF JULY (JULY 3, 4 AND 5). SECONDED BY DEPUTY MAYOR THOMAS.

ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE AMENDMENT RESULTING AS FOLLOWS:

AYES: 5 - DAVIS, HENRY, PALMAS, C. THOMAS, AND MAYOR HARRISON.

NAYES: 2 - RICHARDSON AND S. THOMAS.

ABSTAIN: 0

ABSENT: 0

THE MOTION TO AMEND THE AMENDMENT CARRIED.

ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 84, AS AMENDED, RESULTING AS FOLLOWS:

AYES: 5 - DAVIS, HENRY, PALMAS, C. THOMAS, AND MAYOR HARRISON.

NAYES: 2 - RICHARDSON AND S. THOMAS.

ABSTAIN: 0

THE MOTION TO AMEND ORDINANCE NO. 84 CARRIED.

COUNCILMEMBER RICHARDSON MOVED TO AMEND SECTION 8.68.020 (E) OF ORDINANCE NO. 84 TO ADD LANGUAGE TO ALLOW THE USE OF FIREWORKS FROM 11:00 P.M. DECEMBER 31 TO 1:00 A.M. JANUARY 1. SECONDED BY COUNCILMEMBER HENRY.

ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND RESULTING AS FOLLOWS:

AYES: 7 DAVIS, HENRY, PALMAS, RICHARDSON, C. THOMAS, S. THOMAS AND MAYOR HARRISON.

NAYES: 0

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ABSTAIN: 0

ABSENT: 0

THE MOTION TO AMEND CARRIED.

ROLL CALL VOTE WAS TAKEN ON ORDINANCE NO. 84 AS AMENDED, RESULTING AS FOLLOWS:

AYES: 6 DAVIS, HENRY, PALMAS, RICHARDSON, C. THOMAS, AND MAYOR HARRISON.

NAYES: 1 S. THOMAS.

ABSTAIN: 0

ABSENT: 0

THE AMENDED ORDINANCE NO 84 PASSED.

Ordinance No. 82 creating Section 9.82.085 of the Lakewood Municipal Code providing for the offense of loitering for prostitution.

COUNCILMEMBER DAVIS MOVED TO ADOPT ORDINANCE NO. 82. SECONDED BY COUNCILMEMBER HENRY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Ordinance No. 83 creating Chapter 5.52 of the Lakewood Municipal Code providing for business license regulations for commercial kennel, grooming parlor and pet shops.

COUNCILMEMBER THOMAS MOVED TO ADOPT ORDINANCE NO. 83 AND AMENDING SECTION 5.52.020 (G)(3) FROM 60 DAYS TO 120 DAYS. SECONDED BY COUNCILMEMBER PALMAS. VOICE VOTE AS TAKEN AND CARRIED UNANIMOUSLY.

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Ordinance No. 85 approving a boundary line adjustment for property along Phillips Road SW in the vicinity of Southwest Puget Sound Wildlife Area Facilities (Washington State Department of Fish and Wildlife).

COUNCILMEMBER HENRY MOVED TO ADOPT ORDINANCE NO. 85. SECONDED BY COUNCILMEMBER RICHARDSON. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

RESOLUTIONS

Resolution No. 1996-22 amending Resolution No. 1995-15 by providing the Senior Budget/Finance Analyst with authorization to deposit and withdraw monies in the Local Government Investment Pool.

COUNCILMEMBER DAVIS MOVED TO ADOPT RESOLUTION NO. 1996-22. SECONDED BY COUNCILMEMBER HENRY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Resolution No. 1996-23 adopting the Six-Year Comprehensive Transportation Program, 1997-2002.

COUNCILMEMBER DAVIS MOVED TO ADOPT RESOLUTION NO. 1996-23. SECONDED BY COUNCILMEMBER RICHARDSON. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

None.

REPORTS BY THE CITY MANAGER

City Manager Rohlfs called on Engineering Manager Larkin who introduced Ken Gunther, the new Civil Engineer for the Engineering Department.

City Manager Rohlfs reported that copies of the Hearing Examiner's decision on the Lipstix application have been distributed to Councilmembers. He noted that the Hearing Examiner's decision is now in the form of a recommendation to the City Council.

City Manager Rohlfs brief the Council about the options for receiving Community Development Block Grant funds through the consortium or by becoming an entitlement city. He explained that if the City would want to join the consortium for fiscal years 1997, 1998 and 1999, a decision must be made by next week.

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The consortium provides no guarantees on funding and representation on the advisory board. If the City chooses not to join the consortium, the City will be able to qualify as an entitlement city in August 1997. City Manager Rohlfs indicated that there is significant amount of staff time and cost involved with qualifying to become an entitlement city. He suggested that the City may want to consider contracting with the City of Tacoma, for example, for assistance in this area.

Council directed staff to inform Pierce County of the Council's concerns about representation on the advisory board and that there be a minimum funding level allocated for Lakewood.

CITY COUNCIL COMMENTS

Councilmember Davis requested Councilmember comments on the proposed list of agenda items for the Council's retreat that was provided to the Council by she and Councilmembers Palmas and Thomas.

Councilmember Henry asked if there was an update on her earlier request for information about punchboard taxes. City Manager Rohlf's indicated that this will be an item for discussion at next week's Council's study session.

Deputy Mayor Thomas stressed the importance that the Council be informed and involved in regional decisions and issues that will impact Lakewood.

Councilmember Palmas asked when will the Rainier Cable Commission be making a presentation before the Council. City Manager Rohlf's indicated that a briefing by the Commission is scheduled for next week's Council's study session.

Mayor Harrison announced that the Council will recess to executive session for approximately 15 minutes to discuss potential litigation.

Council recessed at 11:55 p.m. and reconvened at 12:10 p.m.

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ADJOURNMENT

There being no further business, the meeting adjourned at 12:10 a.m.

BILL HARRISON, MAYOR

ATTEST:

ALICE M. BUSH, CMC

CITY CLERK

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