

1999 09 07

LAKESWOOD CITY COUNCIL MINUTES

Tuesday, September 7, 1999

City of Lakewood

City Council Chambers

10510 Gravelly Lake Drive SW

Lakewood, WA 98499

CALL TO ORDER

Mayor Harrison called the meeting to order at 7:00 p.m.

ROLL CALL

Councilmembers Present: 6 - Mayor Bill Harrison; Deputy Mayor Claudia Thomas; Councilmembers Ann Kirk Davis; Larry Humphrey; Doug Richardson and Sherri Thomas.

Councilmembers Absent: 1 - Councilmember JosÃ© Palmas (arrived at 7:10 p.m.)

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Staff Present: City Manager D. Scott Rohlfs; Deputy City Manager Andrew Neiditz; City Attorney Dan Heid; Finance and Systems Director Galen Kidd; Engineering Manager Bill Larkin; Police Chief Larry Saunders; Human Resources & Services Director Debi Young and General Services Director/City Clerk Alice Bush.

FLAG SALUTE

The Pledge of Allegiance was led by Boy Scout Troop 32 by request of Mayor Harrison.

REPORTS BY THE CITY MANAGER

City Manager Rohlfs announced that on September 13, 1999, at 6:00 p.m., there will be a Joint Council/Legislators meeting. Following the Joint Council/Legislators meeting, there will be a Joint Council/Planning Advisory Board meeting to discuss the Comprehensive Plan until approximately 8:00 p.m. Following the Joint Council/Planning Advisory Board meeting, the Council's regular Study Session will be held.

On September 27, 1999, another Joint Council/Planning Advisory Board meeting will be held to continue discussion on the Comprehensive Plan.

On September 23, 1999, there will be a joint meeting with the legislators and the cities of University Place, DuPont, Fircrest and Lakewood to discuss Initiative 695.

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PROCLAMATIONS AND PRESENTATIONS

Proclamation declaring the month of September 1999, as *PTA Membership Month*.

Councilmember Davis presented a proclamation declaring September 1999, as *PTA Membership Month* to Ms. Peri Cross.

Proclamation declaring September 17-23, 1999, as *Constitution Week*

Mayor Harrison presented a proclamation declaring September 17-23, 1999, as *Constitution Week* to Ms. Holly Ann

Muller.

Youth Advisors' Report.

Human Resources & Services Director reported on the activities of the 1999-2000 Youth Advisors.

Councilmember Palmas arrived at 7:10 p.m.

City Hall Design Update.

Mr. Pardini, Merritt+Pardini, displayed several proposed site plans and design themes for the City Hall facility. He explained that the designs are based on a three level facility.

Discussion ensued on the proposed performing arts center; lighting around the facility; a veterans memorial at the site; and impacts of Initiative 695 in relation to building City Hall.

PUBLIC COMMENTS

Speaking before the Council were

George Van Arsdall, 4515 108th Street SW, Lakeview Light & Power Company, spoke about Lakeview's electric rate of three cents per kilowatt hour. He suggested that proper consideration be given to all parties concerned on the distribution of electric service to Lakewood citizens.

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Robin Rego, Lakeview Light and Power, spoke about the proposed agreement with Lakewood and Tacoma Public Utilities and the three pockets in Lakeview's service area that are currently served by Puget Sound Energy. He explained that Lakeview has been working with Puget Sound Energy to work out an agreement to make Lakeview's service area homogeneous within Lakewood. He asked for clarification about the proposed agreement.

Carl Fisk, 3918 St. Francis SW, Southgate resident, spoke about a petition that was filed to change electric providers.

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Robert Kepka, 12603 Bridgeport Way SW, Fir Acres Trailer Court, spoke about assistance from the City on a recent drug bust in the area.

Mildred Shlosky, 9716B Hipkins Road, spoke about the electrical rates of Puget Power.

Gary Nomensen, 3130 S 38th Street, Puget Sound Energy, expressed his disappointment about the proposed transfer agreement and not being notified of the proposal. He indicated that Puget Sound Energy will not sell and does not believe that the proposal will pencil out. He explained that tax exempt bonds cannot be used to finance this proposal and Tacoma Public Utilities does not have the legal authority to commit. He indicated there could be a legal suit filed against the City. He suggested that Lakewood start a franchise negotiation with Puget Sound Energy.

Dee Youmans, 4905 Pacific Street SW, Lakewood resident, displayed a map showing the service being provided by Lakeview Power and Puget Sound Energy around the 108th Street area. She spoke about the hardship of being without power for 21 days with Puget Sound Energy. She then spoke about the reliable service from Lakeview Light and Power.

Maury Peerenboom, 8709 58th Avenue W, spoke about his trip to River Falls Wisconsin.

CONSENT AGENDA

- A. Approval of the minutes of the City Council meeting of August 16, 1999.
- B. Approval of the minutes of the City Council Budget Workshop of August 18, 1999.
- C. Approval of the minutes of the City Council Special Meeting of August 23, 1999.
- D. Approval of the minutes of the City Council Study Session of August 23, 1999.
- E. Approval of payroll vouchers in the amount of \$148,396.48 for the period August 1-15, 1999.

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- F. Approval of claim vouchers in the amount of \$457,951.46 for the period ending August 25, 1999.
- G. Approval of claim vouchers in the amount of \$37,354.19 for the period ending August 27, 1999.
- H. Approval of claim vouchers in the amount of \$1,059,300.36 for the period ending September 1, 1999.

I. Items Filed in the Office of the City Clerk:

- 1. City Events Ad Hoc Committee meeting minutes of June 10, 1999.
- 2. Lakewood Sister Cities Association meeting minutes of July 15, 1999.

J. [Resolution No. 1999-31](#)

Setting Monday, October 4, 1999 at approximately 7:00 p.m. as the date for a public hearing by the City Council on extending the moratorium for the filing of applications for licenses, permits and approvals for gambling activities.

K. [Motion No. 1999-55](#)

Authorizing the execution of an agreement with Progressive Solutions, Inc., as a sole source provider, in the amount of \$11,773, for a cash receipting software package.

L. [Motion No. 1999-56](#)

Authorizing the execution of an agreement with Kirk Kumagai, in the amount of \$17,400, for code enforcement case management services.

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

Council recessed at 8:10 p.m. and reconvened at 8:15 p.m.

REGULAR AGENDA

UNFINISHED BUSINESS

Motion No. 1999-57 authorizing the execution of a Memorandum of Agreement with the City of Tacoma providing for electrical services in a specified geographical area of the city of Lakewood.

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DEPUTY MAYOR THOMAS MOVED TO AUTHORIZE THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE CITY OF TACOMA, IN SUBSTANTIAL FORM AS PRESENTED, AND THAT ANY SUBSTANTIVE CHANGES IN CONCEPT BE BROUGHT BACK BEFORE THE CITY COUNCIL WITH REGARD TO PROVIDING ELECTRICAL SERVICES IN A SPECIFIED GEOGRAPHICAL AREA OF THE CITY OF LAKEWOOD. SECONDED BY COUNCILMEMBER PALMAS.

ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

AYES - 7 - DAVIS, HUMPHREY, PALMAS, RICHARDSON, THOMAS, DEPUTY MAYOR THOMAS, MAYOR HARRISON

NAYS - 0

THE MOTION PASSED.

NEW BUSINESS

None.

None.

BRIEFING BY THE CITY MANAGER

City Manager Rohlfs reminded Councilmembers to provide their recommendations on appointments to the Community Development Block Grant Citizens Advisory Board to Mayor Harrison by September 15, 1999.

City Manager Rohlfs distributed a list of legislative items being considered by the Legislature at hearings scheduled for September 16 and 17, 1999. He noted that staff will be attending the September 16, 1999 Legislative hearings on telecommunications, annexations and the status of land adjacent to Western State Hospital. Councilmember Richardson suggested that the three items be listed on the agenda for discussion with the legislators at the September 13, 1999 joint meeting.

CITY COUNCIL COMMENTS

Councilmember Humphrey commented on his meeting with Master Builders Association.

Councilmember Humphrey asked staff to provide the Council with information on the proposed locations for pedestrians, bikes and trails.

Councilmember Humphrey reported that the word "Lakewood" on the sign at Nyanza and Gravelly Lake Drive SW cannot be seen because of the blooming flowers and recommended that the berm be lowered after the flowering season.

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Councilmember Humphrey commented on the questions he had received from citizens requesting clarification on the parks bond ballot and the property tax rate.

Councilmember Davis distributed a pamphlet on Sound Transit's routes and provided an update on the Oversight Committee of Sound Transit.

Councilmember Thomas asked for an update on the police incident brought up under "Public Comments."

Councilmember Richardson reported on the August 25, 1999 Town Hall meeting at Pierce College. Mayor Harrison suggested that community meetings be held before the September 14, 1999 election at the schools where school playgrounds are proposed to be upgraded to community parks to better inform citizens about the enhancements and use of the park. Deputy Mayor Thomas suggested that the School District help in notifying residents.

Councilmember Richardson commented on Engineering Manager Larkin's e-mail about Lake Steilacoom and

suggested that a letter be sent to lake homeowners about the City's assessment on the treatment efforts.

Councilmember Richardson asked Police Chief Saunders to provide an update on the incident at Fir Acres Mobile Home Park.

Councilmember Palmas commented on the Centro Latino Fiesta.

Councilmember Palmas indicated that he will be attending a Growth Management Act conference in Seattle on September 16 and 17, 1999.

Councilmember Palmas reported on a meeting he, Councilmember Humphrey and Deputy City Manager Neiditz had with State Representative Jim Kastama and Mr. Eric Cederstrand of Collier's International, a development firm, about the need for the SR-512 interchange at the I-5 corridor. He indicated that Representative Kastama is sponsoring a legislative forum for economic development on September 22, 1999.

Deputy Mayor Thomas asked staff to provide an update on the City's preparation for Census 2000. She reported that there is a special workshop on September 23, 1999, on how to make better use of the census data.

Deputy Mayor Thomas reminded Councilmembers that "Make a Difference Day" is coming up soon.

Mayor Harrison commented on the August 25, 1999 ministerial association meeting. He noted that the next meeting will be held on October 12, 1999, at St. Clare Hospital.

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Mayor Harrison reported on the meeting he had with the Mayor of Roy about Lakewood's annexation of the military bases. He explained that the Mayor of Roy indicated he would reconsider his opposition to the military bases annexation to Lakewood if the needs of the low-income citizens in Roy could be addressed.

Mayor Harrison asked for an update on what the City must do to address the Endangered Species Act relative to the Chinook salmon.

Mayor Harrison reported on the September 1, 1999 meeting he had with Mr. Bob Mack to clarify the Council's position on the Northwest Trek and Point Defiance Zoo issue.

Mayor Harrison commented on the Lakewood fire truck pull last week.

Mayor Harrison indicated that no further Council action was required on the memorandum of agreement on Ft. Steilacoom Park which the Council adopted a year and a half ago.

Mayor Harrison reported that the oak trees on Bridgeport Way at the Lakewood Mall entrance and toward I-5 were dead. He also requested a special emphasis clean-up be done to cut the overgrown grass at the Bridgeport Way entrance.

Mayor Harrison announced that Council would recess into Executive Session for approximately one hour and twenty minutes to discuss personnel matters, land acquisition and contract negotiations.

Council recessed at 9:45 p.m. and reconvened at 10:27 p.m.

Councilmembers discussed the acquisition of the new City Hall. Discussion involved the modifications to the legal descriptions to accommodate configurations of the Safeway Building, alignments to ensure proper division of the parcels to conform to the agreement, and anticipated signing of the contract. The City Manager advised that with the legal descriptions being in expected final form, the contract should be signed this week.

It was also mentioned that in connection with the questions that have surfaced with respect to why the City is proceeding with the City Hall acquisition in light of the impending vote of Initiative 695, it is important for people to

understand that if the City of Lakewood does not proceed with due diligence towards the development of the City Hall property, the City will lose the property and will have lost a \$2 million advantage. The deadline for commencement of construction is probably less than a year away, so that if the City did not proceed with the

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project, the property would be lost and the City would end up having to buy property elsewhere at a significant cost.

Utility taxes were also discussed. It was mentioned that utility taxes are something that most cities in the state have in place. This is a taxing authority granted by state statute and something that if the City were not to utilize may present an inconsistency in terms of the City requesting taxing relief from the legislature. The sentiment has been expressed in several settings where if a City is not utilizing the taxing authority already granted to it, there may not be the same motivation for the legislature to grant additional taxing authority. Particularly in light of, but not because of I-695, the utility tax issues may have a time sensitivity. However, it was discussed that the City's law enforcement needs and traffic improvement needs are something that need attention regardless of the outcome of I-695. The City Manager mentioned that of these cities, in the state within our population brackets who do not have utility taxes, they have significantly higher per capita tax receipts. Examples given were Lynnwood at four times our tax receipts and Tukwila at 15 times our tax receipts on a per capita basis.

In the discussion, it was repeatedly mentioned that regardless of the outcome of a vote on I-695, the City's law enforcement needs and traffic and infrastructure needs warrant the City Council addressing the utility tax in some fashion or another. The City Manager indicated he would be bringing to the City Council a comprehensive utility tax proposal which the City Council may wish to address or adopt in part or in total, as it saw fit.

Councilmembers discussed a request from Jimmy G's Casino which happens to be the highest individual tax payer entity in the City for a temporary reprieve on the tax rate applicable to the business of 20 percent. It was proposed that the tax be reduced, at least temporarily, so as to afford him the opportunity to evaluate whether the additional revenue that he would receive would allow him to expand his business through promotion and advertising. The goal, from his proposal, was that the City receive the same or perhaps more revenue even though the rate may be lesser. This, of course, would be dependent upon him increasing his business to correspond to the revenue amounts necessary to result in the same or greater tax revenues to the City. Additionally involved in this concern were factors such as the State Gambling Commission licensure of additional business, including an additional business by the same operator perhaps in Lakewood. Also discussed were factors related to the initial \$25 table limit that applies to these businesses which could be increased by the Gambling Commission up to \$100 table limits after an initial six month review. The discussion by the City Council focused on a couple of different aspects including whether the City of Lakewood was going to be inclined to follow the direction of other cities, to limit or preclude mini casinos within its corporate boundaries, or, alternatively, to zone them into a place where it would not have as negative an impact and recognize economic development elements of such businesses. Ultimately the discussion seemed to be favorable to trying the two month tax rate

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reduction experiment to see what the impacts would be. The City Manager advised that he would be bringing such an ordinance back to the City Council for its consideration probably in connection with the September 20, 1999 City Council meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:00 midnight.

BILL HARRISON, MAYOR

ATTEST:

ALICE M. BUSH, CMC/AAE

CITY CLERK