

2002 04 15 Regular Mtg

LAKWOOD CITY COUNCIL MINUTES

Monday, April 15, 2002

City of Lakewood

City Council Chambers

6000 Main Street SW

Lakewood, WA 98499

CALL TO ORDER

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

ROLL CALL

Councilmembers Present: 4 - Mayor Bill Harrison; Deputy Mayor Claudia Thomas; Councilmembers Pad Finnigan and Helen McGovern.

Councilmembers Absent: 2 - Councilmembers JosÃ© Palmas and Doug Richardson (arrived at 7:04 p.m.).

Councilmember Excused: 1 - Councilmember Larry Humphrey.

Staff Present: City Manager D. Scott Rohlfs; Assistant City Manager Jeff Butzlaff; City Attorney Heidi Horst; Finance and Systems Director Galen Kidd; Community Development Director David Bugher; Public Works Director Bill Larkin; Police Chief Larry Saunders; Human Resources Analyst Mary Pandrea; General Services Director/City Clerk Alice Bush; Community Relations Manager Candice Bock and Parks Manager Mary Dodsworth.

FLAG SALUTE

The Pledge of Allegiance was led by Mayor Harrison.

REPORTS BY THE CITY MANAGER

None.

PROCLAMATIONS AND PRESENTATIONS

Presentation of Lakewood Landscaping Awards.

Community Relations Manager Bock presented Landscaping Awards to Swan's Candle, Heritage Bank and William B. Parker, DDS.

Councilmembers Palmas and Richardson arrived at 7:04 p.m.

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Proclamation declaring April 27, 2002 as Parks Appreciation Day.

Mayor Harrison presented a proclamation declaring April 27, 2002 as Parks Appreciation Day to Mr. Roger Laybourn, Chairperson, Parks and Recreation Advisory Board.

Proclamation declaring April 21 - 27, 2002 as National Volunteer Week.

Deputy Mayor Thomas read a proclamation declaring April 21 - 27, 2002 as National Volunteer Week.

PUBLIC COMMENTS

Speaking before the Council were:

Dennis Haugen, Lakewood resident, spoke about potential fatalities as it relates to visibility and line of sight at dangerous intersections because of plantings and vegetation.

Glen Spieth, 5928 Steilacoom Boulevard, invited the Council to the Historical Society's event called "History of Lakewood Players" at Lakewood Players on April 16, 2002, at 7:00 p.m. He encouraged Councilmembers to continue their membership on the Society. He expressed concern about the loss of five parking spaces at the entrance of Kiwanis Park. During high volume usage of the Park, he expressed concern that his driveway may be blocked.

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

A. Approval of the minutes of the City Council meeting of April 1, 2002.

B. Approval of the minutes of the City Council Study Session of April 8, 2002.

C. Approval of payroll check numbers 104845 to 104882, in the amount of \$281,199.04, for the period March 16 - 31, 2002.

D. Approval of claim voucher numbers 17490 to 17590, in the amount of \$515,765.23, for the period ending April 10, 2002.

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

1. Lakewood Sister Cities Association Board meeting minutes of March 14, 2002.

COUNCILMEMBER MCGOVERN REQUESTED THAT THE APRIL 8, 2002 MINUTES BE AMENDED TO INCLUDE MORE DISCUSSION RELATIVE TO THE CHANGES FOR ORDINANCE NO. 275 AND THE SURVEY OF LATE FRANCHISE FEES IMPOSED BY OTHER CITIES, AS FOLLOWS:

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"DISCUSSION ENSUED ON ORDINANCE 275, RELATIVE TO THE COLLECTION OF LATE FRANCHISE FEES. CITY MANAGER ROHLFS INDICATED THAT THE SECTION ON THE COST OF THE AUDIT WAS TO COVER THE COST FOR CONDUCTING THE AUDIT. HE INDICATED THAT THE UTILITIES THAT WOULD BE AFFECTED ARE TACOMA PUBLIC UTILITIES, AT&T, LAKEVIEW LIGHT AND POWER AND THE WATER DISTRICT. COUNCILMEMBER MCGOVERN POINTED OUT THAT THE DEFINITION OF 'SERVICE PROVIDER' UNDER SECTION 3.21.030 WAS MISLEADING IN THAT IT STATES THAT "SERVICE PROVIDER" MEANS ANY COMPANY ENGAGED IN THE DELIVERY OF UTILITY SERVICES, CABLE TELEVISION TRANSMISSION OR SERVICES, TELECOMMUNICATIONS TRANSMISSION OR SERVICES, OR OTHER SERVICES, TRANSMISSIONS OR GOODS DELIVERED UNDER AN AGREEMENT BETWEEN SAID ENTITY AND THE CITY PROVIDING FOR THE USE OF THE CITY'S RIGHTS OF WAY.' SHE EXPLAINED THAT THE DEFINITION COULD BE INTERPRETED THAT THE ORDINANCE APPLIES TO ANY CONTRACTOR PROVIDER, WHICH LEAD LEMAY TO BELIEVE THAT THE ORDINANCE WOULD APPLY TO LAKEWOOD REFUSE. CITY ATTORNEY HORST INDICATED THAT THE DEFINITION OF "SERVICE PROVIDER" WILL BE AMENDED IN THE ORDINANCE TO ALLEVIATE MISINTERPRETATION. DISCUSSION THEN ENSUED ABOUT THE SURVEY OF THE CITIES OF TACOMA, PUYALLUP, FEDERAL WAY, AUBURN, RENTON, STEILACOOM AND TPU AND THE COMPARISONS ON HOW THEY HANDLE THE LATE PAYMENT OF FRANCHISE FEES. FURTHER DISCUSSION ENSUED ON HOW THE COMPARISONS BETWEEN UTILITY TAX AND FRANCHISES WERE NOT EASILY COMPARABLE.

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

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

PUBLIC HEARINGS AND APPEALS

This is the date set for a public hearing by the City Council on the Fiscal Year 2002 Joint Tacoma/Lakewood Consolidated Annual Action Plan and proposed use of funds, and Fiscal Year 2000 Consolidated Annual Action Plan Amendment.

Speaking before the Council were:

Sallie Shawl, Associated Ministries, spoke in support of the Paint Lakewood Beautiful project.

Parley Applegate, 14507 Woodbrook Drive, spoke in support of CDBG funding that is provided for improvements to the Tillicum/Woodbrook neighborhood.

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Modena LaCasse, Tillicum/American Lake Gardens Community Center, spoke in support of funding the operations of the center for services such as the food bank, clothing exchange, WIC Center, health clinic, and the American Red Cross mealsites.

Roger Laybourn, Lakewood resident, spoke in support of CDBG funding for the parks program and past funding for the Wards Lake project.

Leroy Pitts, 1409 56th Street, Tacoma, Pierce County Housing Authority, spoke in support of past funding of the Eagle Lair Lighting project and for the upcoming Pierce County Housing Authority project.

The public hearing was declared closed.

ORDINANCES

[Ordinance No. 275](#) (Tabled from the meeting of April 1, 2002) creating Chapter 3.21 of the Lakewood Municipal Code relative to the collection of franchise fees.

Councilmember Richardson MOVED TO ADOPT ORDINANCE NO. 275. SECONDED BY DEPUTY MAYOR THOMAS.

MOVED TO ADOPT ORDINANCE NO. 275. SECONDED BY DEPUTY MAYOR THOMAS.

Councilmember Richardson MOVED TO AMEND ORDINANCE NO. 275, SECTION 3.21.060 ITEM NOS. A-D TO READ AS FOLLOWS:

A. IF PAID 30 DAYS LATE, THERE SHALL BE A PENALTY OF TEN PERCENT (10%) ADDED TO THE AMOUNT OF FEES DUE.

B. IF PAID SIXTY (60) TO NINETY (90) DAYS LATE, THERE SHALL BE A PENALTY OF FIFTEEN PERCENT (15%) ADDED TO THE AMOUNT OF FEES DUE.

C. IF PAID THIRTY (30) DAYS LATE OR MORE, IN ADDITION to the 15% PENALTY, THE CITY OF LAKEWOOD SHALL CHARGE THE FRANCHISEE INTEREST ON ALL DELINQUENT FEES AND PENALTIES AT THE RATE OF ONE PERCENT PER MONTH UPON ALL AMOUNTS WHILE SAID AMOUNTS REMAIN LATE.

D. THE FEES IMPOSED UNDER ANY FRANCHISE, AND THE PENALTIES AND INTEREST CHARGED THEREON, SHALL CONSTITUTE A DEBT to the CITY AND MAY BE COLLECTED BY COURT PROCEEDINGS IN THE SAME MANNER AS ANY OTHER DEBT WHICH REMEDY SHALL BE IN ADDITION TO ALL OTHER AVAILABLE REMEDIES. ANY JUDGMENT ENTERED IN FAVOR OF THE CITY MAY INCLUDE AN AWARD TO THE CITY OF ALL COURT AND COLLECTION COSTS INCLUDING ATTORNEYS' FEES TO THE EXTENT PERMITTED BY LAW. AMOUNTS DELINQUENT MORE THAN 60 DAYS MAY BE ASSIGNED TO A THIRD PARTY FOR COLLECTION, IN WHICH CASE

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THE AMOUNT OF ANY COLLECTION CHARGES SHALL BE IN ADDITION TO ALL OTHER AMOUNTS OWED. AMOUNTS DUE SHALL NOT BE CONSIDERED PAID UNTIL THE CITY OF LAKEWOOD HAS RECEIVED PAYMENT FOR THE FULL AMOUNT DUE OR HAS DISCHARGED THE AMOUNT DUE AND NOT PAID.

SECONDED BY DEPUTY MAYOR THOMAS.

ROLL CALL vote was taken resulting as follows:

AYES: 2 - RICHARDSON AND DEPUTY MAYOR THOMAS.

NAYS: 4 - FINNIGAN, PALMAS, MCGOVERN AND MAYOR HARRISON.

ABSENT: 1 - HUMPHREY.

SECONDED BY DEPUTY MAYOR THOMAS.

ROLL CALL vote was taken resulting as follows:

AYES: 2 - RICHARDSON AND DEPUTY MAYOR THOMAS.

NAYS: 4 - FINNIGAN, PALMAS, MCGOVERN AND MAYOR HARRISON.

ABSENT: 1 - HUMPHREY.

THE MOTION FAILED.

Councilmember FINNIGAN MOVED TO AMEND ORDINANCE NO. 275, SECTION 3.21.060 ITEM NOS. A-D TO READ AS FOLLOWS:

A. IF PAID THIRTY (30) DAYS LATE OR MORE, tHE CITY OF LAKEWOOD SHALL CHARGE THE FRANCHISEE INTEREST ON ALL DELINQUENT FEES AND PENALTIES AT THE RATE OF ONE PERCENT PER MONTH UPON ALL AMOUNTS WHILE SAID AMOUNTS REMAIN LATE.

B. THE FEES IMPOSED UNDER ANY FRANCHISE, AND THE INTEREST CHARGED THEREON, SHALL CONSTITUTE A DEBT to the CITY AND MAY BE COLLECTED BY COURT PROCEEDINGS IN THE SAME MANNER AS ANY OTHER DEBT WHICH REMEDY SHALL BE IN ADDITION TO ALL OTHER AVAILABLE REMEDIES. ANY JUDGMENT ENTERED IN FAVOR OF THE CITY MAY INCLUDE AN AWARD TO THE CITY OF ALL COURT AND COLLECTION COSTS INCLUDING ATTORNEYS' FEES TO THE EXTENT PERMITTED BY LAW. AMOUNTS DELINQUENT MORE THAN 60 DAYS MAY BE ASSIGNED TO A THIRD PARTY FOR COLLECTION, IN WHICH CASE THE AMOUNT OF ANY COLLECTION CHARGES SHALL BE IN ADDITION TO ALL OTHER AMOUNTS OWED. AMOUNTS DUE SHALL NOT BE CONSIDERED PAID UNTIL THE CITY OF LAKEWOOD HAS RECEIVED PAYMENT FOR THE FULL AMOUNT DUE OR HAS DISCHARGED THE AMOUNT DUE AND NOT PAID.

SECONDED BY COUNCILMEMBER PALMAS.

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ROLL CALL vote was taken resulting as follows:

AYES: 2 - PALMAS AND FINNIGAN.

NAYS: 4 - RICHARDSON, MCGOVERN, DEPUTY MAYOR THOMAS AND MAYOR HARRISON.

ABSENT: 1 - HUMPHREY.

AYES: 2 - PALMAS AND FINNIGAN.

NAYS: 4 - RICHARDSON, MCGOVERN, DEPUTY MAYOR THOMAS AND MAYOR HARRISON.

ABSENT: 1 - HUMPHREY.

THE MOTION FAILED.

Councilmember ricHARDSON MOVED TO AMEND ORDINANCE NO. 275, SECTION 3.21.060 ITEM NOS. A-D TO READ AS FOLLOWS:

A. IF PAID THIRTY (30) DAYS LATE OR MORE, THE CITY OF LAKEWOOD SHALL CHARGE THE FRANCHISEE INTEREST ON ALL DELINQUENT FEES AND PENALTIES AT THE RATE OF ONE PERCENT PER MONTH UPON ALL AMOUNTS WHILE SAID AMOUNTS REMAIN LATE.

B. THE FEES IMPOSED UNDER ANY FRANCHISE, AND THE INTEREST CHARGED THEREON, SHALL CONSTITUTE A DEBT TO THE CITY AND MAY BE COLLECTED BY COURT PROCEEDINGS IN THE SAME MANNER AS ANY OTHER DEBT WHICH REMEDY SHALL BE IN ADDITION TO ALL OTHER AVAILABLE REMEDIES. ANY JUDGMENT ENTERED IN FAVOR OF THE CITY MAY INCLUDE AN AWARD TO THE CITY OF ALL COURT AND COLLECTION COSTS INCLUDING ATTORNEYS' FEES TO THE EXTENT PERMITTED BY LAW. AMOUNTS DELINQUENT MORE THAN 60 DAYS MAY BE ASSIGNED TO A THIRD PARTY FOR COLLECTION, IN WHICH CASE THE AMOUNT OF ANY COLLECTION CHARGES SHALL BE IN ADDITION TO ALL OTHER AMOUNTS OWED. AMOUNTS DUE SHALL NOT BE CONSIDERED PAID UNTIL THE CITY OF LAKEWOOD HAS RECEIVED PAYMENT FOR THE FULL AMOUNT DUE OR HAS DISCHARGED THE AMOUNT DUE AND NOT PAID.

section 3.21.070 be amended to read:

for delinquent fees under this chapter which were discovered through an audit, the penalty shall be an amount of interest at a rate of 1 percent per month added to the amount of fees due plus any additional audit costs.

SECONDED BY DEPUTY MAYOR THOMAS.

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ROLL CALL vote was taken resulting as follows:

AYES: 5 - FINNIGAN, PALMAS, RICHARDSON, DEPUTY MAYOR THOMAS, AND MAYOR HARRISON.

NAYS: 1 - MCGOVERN.

absent: 1 - HUMPHREY.

the motion carried.

ROLL CALL vote was taken ON THE AMENDED ORDINANCE NO. 275 resulting as follows:

AYES: 5 - FINNIGAN, PALMAS, RICHARDSON, DEPUTY MAYOR THOMAS, AND MAYOR HARRISON.

NAYS: 1 - MCGOVERN.

absent: 1 - HUMPHREY.

the motion carried.

ROLL CALL vote was taken ON THE AMENDED ORDINANCE NO. 275 resulting as follows:

AYES: 5 - FINNIGAN, PALMAS, RICHARDSON, DEPUTY MAYOR THOMAS, AND MAYOR HARRISON.

NAYS: 1 - MCGOVERN.

absent: 1 - HUMPHREY.

AMENDED ORDINANCE NO. 275 WAS DECLARED ADOPTED.

[Ordinance No. 276](#) amending Chapters 1.36, 5.02 and 18A.02 of the Lakewood Municipal Code relative to removing the City Council from certain business licenses and zoning and land use appeals and reconsiderations.

DEPUTY MAYOR THOMAS MOVED TO ADOPT ORDINANCE NO. 276. SECONDED BY COUNCILMEMBER MCGOVERN.

ROLL CALL VOTE WAS TAKEN ON ORDINANCE NO. 276 RESULTING AS FOLLOWS:

AYES: 6 - FINNIGAN, MCGOVERN, PALMAS, RICHARDSON, DEPUTY MAYOR THOMAS, AND MAYOR HARRISON.

NAYS: 0

absent: 1 - HUMPHREY.

ORDINANCE NO. 276 WAS DECLARED ADOPTED.

UNFINISHED BUSINESS

Mayor Harrison asked if staff responded to the citizen inquiry about collecting utility taxes based on kilowatt usage.

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Mayor Harrison inquired about the status of setting up a meeting with Partners for Parks, Pierce County, Councilmember McGovern and he relative to Ft. Steilacoom Park.

Mayor Harrison spoke in support of International Festival 2002.

NEW BUSINESS

None.

None.

BRIEFING BY THE CITY MANAGER

City Manager Rohlfs distributed a copy of the draft letter to Pierce County relative to the City's position on Ft. Steilacoom Park.

City Manager Rohlfs announced that the cities of Lakewood and University Place were awarded a Salmon Recovery grant of \$713,000 to replace a culvert on Bridgeport Way SW across Leech Creek.

City Manager Rohlfs indicated that the Council will be provided an update on the City's community development and public works projects next week.

City Manager Rohlfs reported on the Walmart project. Councilmember McGovern suggested that this be a topic of discussion at next week's Council Study Session.

CITY COUNCIL COMMENTS

Councilmember Finnigan reported on the Lake City Neighborhood Association meeting he attended.

Councilmember Richardson spoke in support of a challenge on the denial of a business license relative to a sexually-oriented apartment complex.

Councilmember Richardson provided an update on the Cross Base Highway Environmental Impact Statement.

Councilmember McGovern spoke about the July 13, 2002 Partners for Parks event.

Councilmember McGovern commented about a meeting she had with a developer on the purchase of a property for an interpretative school.

Councilmember McGovern announced that some information from a citizen who was not supportive of water fluoridation is available at the Lakewood Library.

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Councilmember Palmas suggested that in the Pierce County letter relative to Ft. Steilacoom Park, it be highlighted that the City is not interested in pursuing ownership of the park.

Deputy Mayor Thomas indicated that the Executive Director of Sound Transit will be speaking before the Lakewood Chamber of Commerce and that the Environmental Impact Statement on the project is proceeding.

Deputy Mayor Thomas reported that the City's Housing Specialist made a presentation on the Minor Home Repair Program at the Lake City Neighborhood Association meeting.

Mayor Harrison spoke about an invitation from Pierce County regarding a 7:30 a.m., April 15, 2002 meeting of the Real Estate Excise Tax Advisory Committee in which Pierce County is asking for the City's input.

Mayor Harrison announced that the annual Association of Washington Cities Conference will be held on June 19 and 20, 2002.

Mayor Harrison asked if Lakewood was interested in participating in the planning of the Pierce County's 100th anniversary. Community Relations Manager Bock indicated that she will be attending a planning meeting.

Mayor Harrison inquired about the garbage service at Creekside Apartments and requested staff to continually monitor this service to ensure that the problem does not arise.

Mayor Harrison inquired about the drainage and garbage problems at Parkside Manor.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 p.m.

BILL HARRISON, MAYOR

ATTEST:

ALICE M. BUSH, CMC

CITY CLERK