

2009 07 20

LAKWOOD CITY COUNCIL MINUTES

Monday, July 20, 2009
City of Lakewood
City Council Chambers
6000 Main Street SW
Lakewood, WA 98499

CALL TO ORDER

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

ROLL CALL

Councilmembers Present: 7 ? Mayor Douglas Richardson; Deputy Mayor Don Anderson; Councilmembers Ron Cronk, Pad Finnigan, Helen McGovern, Walter Neary and Claudia Thomas.

Councilmember Excused: 1 - Councilmember Neary (arrived at 7:10 p.m.)

FLAG SALUTE

The Pledge of Allegiance was led by Councilmember McGovern.

REPORTS BY THE CITY MANAGER

City Manager Neiditz announced that on July 21, 2009 a "Meet and Greet" event is scheduled in the Council Chambers for the Adopt-A-Company Program.

City Manager Neiditz announced that a sign code meeting will be held on Wednesday, July 22, 2009 at 6:30 pm.

City Manager Neiditz announced that the City was awarded a \$20,000 Office of Public Defender grant to have a defense attorney assist at the City's arraignment process.

City Manager Neiditz provided an update on the number of public disclosure requests filed with the City. He reported that in 2009, 570 separate requests were filed of which 320 (56%) were from one individual and the number of pages produced for that one individual's requests was 40,989 of which 271 copies were taken. He indicated that there continues to be legislative proposals on the Public Records Act.

City Manager Neiditz reported that the Lake Louise access ramp has developed safety issues and the ramp has been temporary closed for repairs.

Councilmember Neary arrived at 7:10 p.m.

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PUBLIC COMMENTS

Speaking before the Council were:

Mayor Ron Lucas, City of Steilacoom, spoke about an incident at Steilacoom's Sunnyside Park and thanked the Lakewood Police Department for sending police support. He also thanked the Council for the Lakewood Police Department's participation along with the Steilacoom Police Department in assisting with Lt. Bradshaw's memorial service.

Dennis Haugen, Lakewood resident, spoke about the public information law which is a cover up for employees.

Marshall Ivy, Lakewood resident, spoke about street ends. He spoke about his park experience and expressed concerns about West Lake Park street ends and access to the lake. He indicated that he did not receive any notification to that effect. He then spoke about a code enforcement violation he received about clean-up. He then spoke about the removal of a fence and the City's letter of eminent domain on his property.

Glen Spieth, Lakewood Historical Society, announced that the Lakewood Historical Society will be meeting at the Tacoma Golf and Country Club tomorrow, July 21, 2009. He noted that the topic will be a historical overview of the Tacoma Country Club.

Ken Severe, Lakewood resident, spoke about public disclosure requests. He spoke about \$150,000 of overpayment of utilities fees relative to the budget.

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

- A. Approval of the minutes of the City Council meeting of July 6, 2009.
- B. Approval of the minutes of the City Council Study Session of July 13, 2009.
- C. Approval of payroll check numbers 201, 111428 to 111465, and direct deposit check numbers 35278 to 35534, in the amount of \$874,760.77, for the period July 1-15, 2009.
- D. Approval of claim voucher numbers 52037 to 52135, in the amount of \$408,178.21, for the period ending July 2, 2009.
- E. Approval of claim voucher numbers 52136 to 52201, in the amount of \$251,484.64, for the period ending July 9, 2009.
- F. Approval of claim voucher numbers 52202 to 52305, in the amount of \$788,586.80, for the period ending July 16, 2009.

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

- 1. Community Development Block Grant Citizens Advisory Board meeting minutes of January 7, 2009.
- 2. Planning Advisory Board meeting minutes of May 20 and June 17, 2009.
- 3. Lakewood Arts Commission meeting minutes of June 1, 2009.

Councilmember Neary requested that Item B. be removed from the consent agenda.

COUNCILMEMBER NEARY MOVED TO ADOPT ITEMS A AND C-G OF THE CONSENT AGENDA AS PRESENTED. SECONDED BY COUNCILMEMBER CRONK. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

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

B. Approval of the minutes of the City Council Study Session of July 13, 2009.

Councilmember Neary asked that page 3 of the July 13, 2009 Council minutes be amended to reflect that he was not affiliated with Integra Telecom as stated in the July 13, 2009 minutes, but that he had disclosed that he was employed in the telecommunications field and therefore, left the Council Chambers.

Councilmember Cronk noted that the July 13, 2009 minutes be amended to reflect that he was excused from the July 13, 2009 meeting.

COUNCILMEMBER THOMAS MOVED TO APPROVE THE JULY 13, 2009 CITY COUNCIL MEETING MINUTES AS AMENDED. SECONDED BY COUNCILMEMBER FINNIGAN. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

PUBLIC HEARINGS AND APPEALS

This is the date set for a public hearing by the City Council to extend the interim zoning controls moratorium upon eating and drinking establishments, greater than 10,000 square feet of interior space within the Neighborhood Commercial and Central Business zoning districts for an additional six months.

Speaking before the Council was:

Dennis Haugen, Lakewood resident, spoke about City staff influencing City policy.

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There being no further testimony, the hearing was declared closed.

This is the date set for a public hearing by the City Council on the Six-Year (2010-2015) Comprehensive Transportation Improvement Program.

Speaking before the Council was:

Dennis Haugen, Lakewood resident, spoke about his studies on traffic accidents and how it relates to streets and design; how the transportation program is centered on grants; and about City government and employees having control because City Council do not study and pay attention to the issues.

There being no further testimony, the hearing was declared closed.

APPOINTMENTS

Motion No. 2009-32 appointing Rick Bieber, Ray Dotson, Malcolm Russell and Alan Hart to serve on the Public Safety Advisory Committee for three-year terms.

COUNCILMEMBER THOMAS MOVED TO CONFIRM THE APPOINTMENTS Of rick bieber, ray dotson, malcolm russell and alan hart to serve on the public safety advisory committee for three-year terms. SECONDED BY COUNCILMEMBER mcgovern. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

ORDINANCES

Ordinance No. 494 granting a franchise to Integra Telecom Holdings, Inc. through its subsidiary, Electric Lightwave, LLC, the authority to provide for the use of its telecommunications network.

Councilmember Neary disclosed that because he was employed in the telecommunications field, he left the Council Chambers during the discussion of this ordinance.

COUNCILMEMBER mcgovern MOVED TO ADOPT ORDINANCE NO. 494. SECONDED BY COUNCILMEMBER finnigan. VOICE VOTE WAS TAKEN AND THE MOTION CARRIED (5-1-1) WITH DEPUTY MAYOR ANDERSON VOTING IN OPPOSITION AND COUNCILMEMBER NEARY ABSENT.

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Ordinance No. 495 granting Integra Telecom Holdings, Inc. an easement across a portion of City Hall property for connecting its existing utility lines with a cell tower adjacent to City Hall.

Councilmember Neary disclosed that because he was employed in the telecommunications field, he left the Council Chambers during the discussion of this ordinance.

COUNCILMEMBER cronk MOVED TO ADOPT ORDINANCE NO. 495. SECONDED BY COUNCILMEMBER finnigan. VOICE VOTE WAS TAKEN AND THE MOTION CARRIED (5-1-1) WITH DEPUTY MAYOR ANDERSON VOTING IN OPPOSITION AND COUNCILMEMBER NEARY ABSENT.

Mayor Richardson announced that Council will recess at 8:20 p.m. and reconvened at 8:22 p.m.

Councilmember Neary returned to the Council Chambers at 8:22 p.m.

Ordinance No. 496 extending the interim zoning controls upon eating and drinking establishments, greater than 10,000 square feet of interior space within the Neighborhood Commercial and Central Business zoning districts for an additional six months.

COUNCILMEMBER THOMAS MOVED TO ADOPT ORDINANCE NO. 496. SECONDED BY deputy mayor anderson.

ROLL CALL VOTE WAS TAKEN RESULTING AS FOLLOWS:

AYES: 4 - cronk, thomas, anderson AND mayor richardson.

nayS: 3 ? FINNIGAN, MCGOVERN AND NEARY

ORDINANCE NO. 496 WAS DECLARED ADOPTED.

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Ordinance No. 497 extending the interim zoning controls for the Tillicum neighborhood for an additional six months and until the Tillicum Neighborhood Plan has been adopted.

COUNCILMEMBER THOMAS MOVED TO ADOPT ORDINANCE NO. 497. SECONDED BY COUNCILMEMBER MCGOVERN. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Motion No. 2009-33 approving the property boundary line adjustment to reduce seven lots at 5501 76th Street West (Parcel A) and at 7557 and 7559 Cody Street W (Parcel B) to four lots (C. Coleman; #LU090073).

COUNCILMEMBER FINNIGAN MOVED TO APPROVE THE PROPERTY BOUNDARY LINE ADJUSTMENT TO REDUCE SEVEN LOTS AT 5501 76TH STREET WEST (PARCEL A) AND AT 7557 AND 7559 CODY STREET W (PARCEL B) TO FOUR LOTS (C. COLEMAN; #LU090073). SECONDED BY COUNCILMEMBER THOMAS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Motion No. 2009-34 awarding a bid to Lakeridge Paving Company, in the amount of \$108,781.91, for the removal and construction of pavement along Lakewood Drive SW between Bridgeport Way and 100th Street SW.

COUNCILMEMBER FINNIGAN MOVED TO AWARD A BID TO LAKERIDGE PAVING COMPANY, IN THE AMOUNT OF \$108,781.91, FOR THE REMOVAL AND CONSTRUCTION OF PAVEMENT ALONG LAKEWOOD DRIVE SW BETWEEN BRIDGEPORT WAY AND 100TH STREET SW. SECONDED BY COUNCILMEMBER NEARY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Discussion of Council Study Session with the Community Development Block (CDBG) Grant Citizens Advisory Board

General Services Director Bush and Consultant John Epler provided an overview of the CDBG program objectives, planning process, national objectives and eligible uses for the use of CDBG and HOME programs.

Ms. Linda Rinaldi, consultant, then provided an overview of the 5-Year Consolidated Plan process and work plan.

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Discussion ensued on the distinction between ?rehabilitation? and ?repairs;? status of the Neighborhood Stabilization Program; what the administrative costs were for each type of activity; and providing examples of eligible activities for each national objective.

BRIEFING BY THE CITY MANAGER

City Manager Neiditz commented on the Association of Washington Cities (AWC) board retreat for strategic planning, and the appointment of AWC?s new Chief Executive Officer.

City Manager Neiditz requested an Executive Session on several topics.

CITY COUNCIL COMMENTS

Councilmember Thomas reported that the light rail launch from Seattle to Tukwila was successful with over 45,000 participating. She added that the light rail to the airport will be completed later this year.

Councilmember Finnigan expressed concern about the costs and reasonableness of public records requests from an individual.

Deputy Mayor Anderson spoke about a public records request on a lawsuit by a Puyallup Councilmember trying to gain access on confidential City documents that was an issue before their City Council.

Deputy Mayor Anderson spoke about the Air Mobility Command International Rodeo at McChord Air Force Base that the Mayor and he attended over the weekend.

Mayor Richardson also spoke about the International Rodeo kick-off.

Mayor Richardson commented on the Adopt-A-Company ?meet and greet? on July 21, 2009 and the plan of action over the next year.

Mayor Richardson spoke about the Memorial Park dedication at Fort Lewis last week to honor the fallen soldiers including those from the 4-2 Stryker Brigade.

Executive Session

Mayor Richardson announced that Council will recess into Executive Session for approximately 40 minutes: to discuss potential litigation for 10 minutes, property acquisition for 25 minutes (for two separate property acquisitions) and performance of an employee for five minutes.

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Following the Executive Sessions, Mayor Richardson also announced that Council will recess into a closed session to discuss employee relations pursuant to R.C.W. 42.30.140(4). He added that there is no action contemplated to be taken by the City Council following the Executive Session and Closed Session.

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Council recessed into Executive Session at 9:40 p.m. to discuss potential litigation, and reconvened at 9:50p.m. At 9:50 p.m., Mayor Richardson announced that Council will recess into Executive Session for 20 minutes to discuss property acquisition and reconvened at 10:10 p.m. At 10:10 p.m., Mayor Richardson announced that Executive Session will be extended an additional five minutes. At 10:15 p.m., Mayor Richardson announced that Executive Session will be extended an additional five minutes. At 10:20 p.m., Mayor Richardson announced that Council will recess to Executive Session to discuss performance of an employee and reconvened at 10:25 p.m.

At 10:25 p.m., Mayor Richardson announced that Council will recess into a closed session to discuss employee relations pursuant to R.C.W. 42.30.140(4). Council reconvened at 10:50 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:50 p.m.

DOUGLAS G. RICHARDSON, MAYOR

ATTEST:

ALICE M. BUSH, MMC
CITY CLERK