

2011 04 18

LAKWOOD CITY COUNCIL MINUTES

Monday, April 18, 2011
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 Mary Moss, Mike Brandstetter, Jason Whalen, Walter Neary and Claudia Thomas.

FLAG SALUTE

The Pledge of Allegiance was led by Mayor Richardson.

REPORTS BY THE CITY MANAGER

City Manager Neiditz reported that 400 volunteers participated in Parks Appreciation Day on Saturday, April 16, 2011.

He also reported that on April 19, 2011, 50 soldiers from the Stryker Brigade will be performing various improvements in City parks.

He then commented that this afternoon the Associated Ministries conducted a blessing at Wards Lake Park in memory of the recent homicide that took place there two weeks ago.

He announced that Police Chief Farrar and Assistant Police Chief Zaro are attending and speaking at an FBI-sponsored Law Enforcement executive seminar in Nashville.

Also, Assistant City Manager Dave Bugher attended a federally sponsored trip with the Defense Department OEA Planning Conference.

On April 20, 2011 a Joint Citizens Advisory Boards and Committees meeting will be held about a JBLM briefing.

City Manager Neiditz reported that the City was a recipient of an Association of Washington Cities award for lowering health insurance premiums.

PROCLAMATIONS AND PRESENTATIONS

Proclamation recognizing National Crime Victims' Rights Week.

Councilmember Moss presented a proclamation recognizing National Crime Victims' Rights Week to Ms. Mandy Ma, Executive Director, Multicultural Self-Sufficiency Movement.

PUBLIC COMMENTS

Speaking before the Council were:

Dennis Haugen, Lakewood resident, spoke about dedicating awesome women of substance.

Ken Severe, Lakewood resident, spoke about transparency. He commented that on the City's website, the vouchers were not posted. Credit card purchases in excess of \$18,701 and \$9,500 in another section with a single purchase of \$3,500 were only identified as "purchases." In addition, one vehicle had incurred \$14,000 in repairs and several vehicles with \$5,000-\$6,000 in

repairs.

Glen Speith, Lakewood Historical Society, announced that on April 19, 2011, at 7:00 p.m., at St. Mary's there is a history program by David Nicandri, Director of the Washington State History Museum.

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 4, 2011.
- B. Approval of the minutes of the City Council Study Session of April 11, 2011.
- C. Approval of payroll check numbers 243, 112235 to 112251 and 112460 to 112475, and direct deposit check numbers 115661 to 115929, in the amount of \$1,287,029.69, for the period March 16 - 31, 2011.
- D. Approval of claim voucher numbers 60614 to 60700, in the amount of \$532,088.63, for the period ending, March 31, 2011.
- E. Approval of claim voucher numbers 900209 and 60701 to 60828, in the amount of \$747,966.64, for the period ending April 7, 2011.
- F. Items Filed in the Office of the City Clerk:
 - 1. Landmarks and Heritage Advisory Board meeting minutes of January 27, 2011.
 - 2. Citizens' Transportation Advisory Committee meeting minutes of March 29, 2011.

COUNCILMEMBER THOMAS MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED. SECONDED BY Deputy mayor anderson. 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 2011 Consolidated Plan and amendments to the Fiscal Years 2008, 2009 and 2010 Annual Action Plans and the proposed use of funds.

Speaking before the Council were:

Jim Taylor, Lakewood resident, spoke in support of the proposed funding for the Tillicum Community Center and the funding needs of the Center. He noted that with increased enrollment at Tillicum Elementary School that 96% of the students are receiving free-reduced lunch.

Karen Priest, Lakewood resident, thanked the CDBG Citizens Advisory Board and the Council for CDBG funding. A fundraiser is being planned at the McGavick Center to help support the Tillicum Community Center. She indicated that she is working with an agency to provide medical services when Community Health Care closes its door on June 1, 2011.

Wayne Chapman, Lakewood resident, spoke about the City's emergency program when he lost his home through a fire and thanked the City for helping.

Maria Roberts, Lakewood resident, thanked the Council for the City's emergency program and her plight with her landlord.

David Roberts, Lakewood resident, thanked the Lakewood Fire Station for finding his family a home and paying for a motel.

Kim Taylor, Tacoma resident, Rebuilding South Sound, spoke in support of a grant to help with home repairs. A "Building a Ramp" program is being planned this summer.

Maureen Fife, Gig Harbor resident, Habitat for Humanity, spoke in support of funding homeownership in Lakewood.

Dennis Haugen, Lakewood resident, spoke about the need for jobs and developing alternative funding and that the City should know the names of who the City is providing food and services to.

Linda Jadwin, Tacoma Capital, spoke about the first economic development project in Lakewood and other potential clients.

Rod Kowalski, Pierce County Housing Authority, spoke in support of the Consolidated Plan and thanked the CDBG Citizens Advisory Board and staff for their deliberations and work.

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

ORDINANCES

Ordinance No. 532 amending Chapter 9A.04 of the Lakewood Municipal Code relative to aggressive begging.

COUNCILMEMBER WHALEN MOVED TO ADOPT ORDINANCE NO. 532. SECONDED BY COUNCIL MEMBER NEARY.

DEPUTY MAYOR ANDERSON MOVED TO AMEND ORDINANCE 532 TO STRIKE "BEFORE SUNRISE AND SUNSET" IN THIRD "WHEREAS" PARAGRAPH; ADDING ITEM K. IN THE DEFINITION SECTION SECTION 09A.04.020, BY DEFINING A "PUBLIC TRANSPORTATION VEHICLE MEANS ANY VEHICLE THAT IS OWNED BY A CITY, COUNTY, COUNTY TRANSPORTATION AUTHORITY, PUBLIC TRANSPORTATION BENEFIT AREA, REGIONAL TRANSIT AUTHORITY, OR METROPOLITAN MUNICIPAL CORPORATION WITHIN THE STATE FOR THE PURPOSE OF FACILITATING BUS AND OTHER PUBLIC TRANSPORTATION"; AMENDING 09A.040.020 (A) STRIKE THE WORDS AFTER THE THIRD SUBSECTION "WITHIN TWENTY-FIVE (25) FEET OF AN ATM MACHINE OR FINANCIAL INSITUION;" AND PROVIDE THE FOLLOWING RE-WORDING FOR 4) "WITHIN FIFTEEN (15) FEET OF ANY (A) HANDICAPPED PARKING SPACE (B) TAXICAB STAND, OR (C) BUS STOP OR TRAIN STATION; 5) IN ANY PUBLIC PARKING LOT OR STRUCTURE OR ANY WALKWAY DEDICATED TO SUCH PARKING LOT OR STRUCTURE; 6) IN ANY PUBLIC TRANSPORTATION VEHICLE; 7) IN ANY AREA WHICH IS NOT SUFFICIENTLY ILLUMINATED TO ALLOW THE PERSON BEING SOLICITED TO FULLY OBSERVE THE SOLICITOR AT A DISTANCE OF FIFTEEN (15) FEET; 8) WITHIN FIFTEEN (15) FEET FROM THE ENTRANCE OF THE BUILDING; OR 9) WHILE A PERSON IS UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES." SECONDED BY COUNCILMEMBER NEARY. VOICE VOTE WAS TAKEN AND CARRIED.

COUNCILMEMBER WHALEN MOVED TO AMEND ORDINANCE NO. 532, THIRD PARAGRAPH TO READ AS FOLLOWS:

"WHEREAS, THE CITY COUNCIL FURTHER RECOGNIZES THAT WHEN BEGGING OR PANHANDLING TAKES PLACE, NEAR AUTOMATED TELLER MACHINES (ATMS), FINANCIAL INSTITUTIONS, ~~BEFORE SUNRISE AND AFTER SUNSET~~ AND AT PUBLIC TRANSPORTATION FACILITIES, ~~PUBLIC TRANSPORTATION VEHICLES, ON BUSES,~~ OR NEAR DISABLED PERSON PARKING SPACES, OR WHEN FOLLOWING INDIVIDUALS FOR THE PURPOSE OF SOLICITING, THERE IS A RISK OF DANGER OR INTIMIDATION TO MEMBERS OF THE COMMUNITY AND/OR MEMBERS OF THE PUBLIC WHO ARE ATTEMPTING TO CONDUCT BUSINESS, UTILIZE PUBLIC SERVICES, OR WHO MAY BE REASONABLY INTIMIDATED BY A SOLICITOR; AND" SECONDED BY DEPUTY MAYOR ANDERSON. VOICE VOTE WAS TAKEN ON THE MOTION TO AMEND AND CARRIED UNANIMOUSLY.

MAYOR RICHARDSON NOTED THAT SECTION 3. EFFECTIVE DATE OF ORDINANCE NO. 532 IS NOT AN EMERGENCY ORDINANCE, AND IS SUBJECT TO INITIATIVE AND REFERENDUM AND SHALL BE IN FULL FORCE AND EFFECT 30 DAYS (NOT FIVE DAYS) AFTER THE PUBLICATION OF THE ORDINANCE SUMMARY.

VOICE VOTE WAS TAKEN ON THE AMENDED ORDINANCE NO. 532 AND CARRIED UNANIMOUSLY.

Ordinance No. 533 repealing Chapter 8.20 and creating Chapter 8.22 of the Lakewood Municipal Code relative to graffiti removal.

COUNCILMEMBER MOSS MOVED TO ADOPT ORDINANCE NO. 533. SECONDED BY COUNCILMEMBER THOMAS.

COUNCILMEMBER NEARY MOVED TO AMEND SECTION 8.22.060 OF ORDINANCE NO. 533 BY ADDING LANGUAGE THAT "IT SHALL BE UNLAWFUL FOR ANY PERSON WITH RESPONSIBILITY FOR A PROPERTY TO ALLOW A GRAFFITI NUISANCE PROPERTY TO EXIST MORE THAN 14 DAYS AFTER THE CITY ISSUES A NOTICE TO ABATE THE NUISANCE PURSUANT TO THE PROCEDURES IN LMC CHAPTER 8.16 "PUBLIC NUISANCES." SECONDED BY COUNCILMEMBER BRANDSTETTER.

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

AYES: 3 – BRANDSTETTER, NEARY AND THOMAS

NAYS: 4 – MOSS, WHALEN, DEPUTY MAYOR ANDERSON AND MAYOR RICHARDSON

THE MOTION TO AMEND FAILED.

DEPUTY MAYOR ANDERSON MOVED TO AMEND SECTION 8.22.060 OF ORDINANCE NO. 533 BY ADDING LANGUAGE THAT "IT SHALL BE UNLAWFUL FOR ANY PERSON WITH RESPONSIBILITY FOR A PROPERTY TO ALLOW A GRAFFITI NUISANCE PROPERTY TO EXIST MORE THAN SEVEN DAYS AFTER THE CITY ISSUES A NOTICE TO ABATE THE NUISANCE PURSUANT TO THE PROCEDURES IN LMC CHAPTER 8.16 "PUBLIC NUISANCES." SECONDED BY COUNCILMEMBER WHALEN. VOICE VOTE WAS TAKEN ON THE AMENDMENT AND CARRIED UNANIMOUSLY.

COUNCILMEMBER NEARY MOVED TO AMEND SECTION 08.22.090 A. TO READ: "A. PUBLIC PROPERTY: GRAFFITI FOUND UPON A RIGHT-OF-WAY; ~~PUBLIC EASEMENT~~ OR OTHER PUBLIC PROPERTY MAY BE ABATED SUMMARILY BY THE CITY WITHOUT PRIOR NOTICE BY REMOVAL, DISPOSAL OR DSTRUCTION AT THE CITY'S DISCRETION." SECONDED BY COUNCILMEMBER THOMAS. VOICE VOTE WAS TAKEN AND FAILED WITH COUNCILMEMBER NEARY VOTING IN FAVOR.

VOICE VOTE WAS TAKEN ON AMENDED ORDINANCE NO. 533 AND CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Motion No. 2011-13 approving the hire of temporary engineering technicians.

COUNCILMEMBER THOMAS MOVED TO APPROVE THE HIRING OF TEMPORARY ENGINEERING TECHNICIANS. SECONDED BY COUNCILMEMBER NEARY. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

Motion No. 2011-14 awarding a bid to Advanced Traffic Products, Inc./Western Systems, in the amount of \$66,315.96, for the traffic signal light emitting diode upgrade project.

COUNCILMEMBER MOSS MOVED TO AWARD A BID TO ADVANCED TRAFFIC PRODUCTS, INC./WESTERN SYSTEMS, IN THE AMOUNT OF \$66,315.96, FOR THE TRAFFIC SIGNAL LIGHT EMITTING DIODE UPGRADE PROJECT. SECONDED BY COUNCILMEMBER whalen. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

BRIEFING BY THE CITY MANAGER

City Manager Neiditz reported that the "State of the Streets" presentation is scheduled to be presented at Lakewood United.

He explained that the South Sound community partnership about JBLM has been gaining acceptance around the region. A meeting is scheduled later this week.

He then thanked the Council for their approval of the aggressive begging and graffiti ordinances.

Councilmember Brandstetter asked about the status of re-starting the work on the sewer construction contract in which the initial contract was terminated.

Deputy Mayor Anderson asked for an update on side-sewer connections and sewer pre-treatment requests.

CITY COUNCIL COMMENTS

Councilmember Brandstetter commented on the Associated Ministries blessing at Wards Lake Park that he attended.

Councilmember Whalen commented on the public testimony received tonight about human services and CDBG funding, and encouraged that landlord/tenant pamphlets and assistance be provided to tenants.

Deputy Mayor Anderson commented on the Police versus Fire basketball event he attended.

Mayor Richardson commented on the Lakewood Baseball Club kick off at Ft. Steilacoom Park, Parks Appreciation Day, Lakewood Relay for Life, and the Lions Club Easter Egg hunt that were held over the weekend.

Executive Session

Mayor Richardson announced that Council will recess into Executive Session for approximately 30 minutes to discuss performance of a public official.

Council recessed into Executive Session at 10:10 p.m. and reconvened at 10:40 p.m.

At 10:40 p.m. Mayor Richardson announced that Executive Session will be extended for approximately 10 minutes.

At 10:50 p.m. Mayor Richardson announced that Executive Session will be extended for approximately 5 minutes.

At 10:55 p.m. Mayor Richardson announced that Executive Session will be extended for approximately 5 minutes.

Council reconvened at 11:00 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:00 p.m.

DOUGLAS G. RICHARDSON, MAYOR

ATTEST:

ALICE M. BUSH, MMC
CITY CLERK