CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

ROLL CALL OF COUNCILMEMBERS

KATHY KEOLKER-WHEELER, Council President; DAN CLAWSON; TONI NELSON; RANDY CORMAN; DON PERSSON; KING PARKER; TERRI BRIERE.

CITY STAFF IN ATTENDANCE

JESSE TANNER, Mayor; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; NEIL WATTS, Development Services Director; RYAN ZULAUF, Airport Manager; DENNIS CULP, Community Services Administrator; SYLVIA ALLEN, Recreation Director; MIKE WEBBY, Human Resources Administrator; ACTING COMMANDER CHARLES MARASALI, Police Department.

SPECIAL PRESENTATION

Recreation Director Sylvia Allen introduced Diana Hagan, Municipal Arts Commission Chair, who recognized retiring Municipal Arts Commission members Eileen Cunio and Virginia Corder. Ms. Hagan described the contributions both members have made to the commission and to the City; and she presented each with a certificate of appreciation and a framed picture of the downtown Renton library.

ADMINISTRATIVE REPORT

City Clerk Bonnie Walton reviewed a written administrative report summarizing the City’s recent progress towards goals and work programs adopted as part of its business plan for 2003 and beyond. Items noted included:

- Red, white, and blue decorations will adorn Gene Coulon Beach Park and spectacular fireworks will reflect off Lake Washington for the 2003 Freddie's Fabulous Fourth of July event and fireworks display on Friday, July 4.

- The Kidd Valley Summer Concert Series begins Wednesday, June 25, at Gene Coulon Beach Park, with free concerts being held each Wednesday beginning at 7:00 p.m.

- On Sunday evenings, July through August, a series of films will be shown at the Piazza. A band will perform prior to each film and the free Cinema in the Park will open for seating at 7:00 p.m., with movies starting at dusk.

AUDIENCE COMMENT

Diane Mitchell, 2224 NE 24th St., Renton, 98056, expressed her unhappiness with the cutting down and shearing of trees located on her property and on the public right-of-way as a result of a short plat development next to her residence. She stated that she was unaware that trees might be cut down or trimmed for the development, and had she known, she would have relayed her concern during the public hearing process for the project. Ms. Mitchell reported additional problems caused by the development construction including the breaking of the sewer stub on her property line, the blocking of her driveway due to excavation work, the lack of a flagger directing traffic on NE 24th St., and the removal of landscaping from the public right-of-way.

Development Services Director Neil Watts stated that the construction occurring
in the right-of-way is for the extension of utilities for the plat and the landscaping should be restored; however, the tree will not be replaced due to the placement of utilities in that area. He noted that her driveway should not have been blocked and staff will address that issue. Mr. Watts also noted that the closing of one lane of traffic for traffic control measures on a residential street is typical, and with appropriate signage, a flagger is not required.

In regards to tree preservation, Mr. Watts indicated that no trees were identified for retention during the public land use process for this plat. As for the trimming of the trees, he explained that the roots and branches trespassed over the adjoining property line and were trimmed for the installation of sewer and storm pipelines near the property line. Mr. Watts stated that the issues concerning the blockage of property, landscape restoration, and sewer stub breakage will be investigated.

Council President Keolker-Wheeler stated that if City Code is unclear, it should be reviewed. Mr. Watts agreed, saying that the City Code section regarding land clearing needs to be revisited and confirmed that the matter is on the docket for review.

Ms. Keolker-Wheeler pointed out that the infill of new housing developments is difficult on nearby residents and City Code needs to be clear and understandable as to how and when residents can voice their concerns. Councilman Clawson added that residents may not understand how a proposed land use action may affect them, and suggested including the potential impacts of a project on the public notices.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Council Meeting Minutes of June 16, 2003


CAG: 03-073, East Valley Lift Station Replacement, Stouder General Construction

City Clerk reported bid opening on 6/10/2003 for CAG-03-073, East Valley Lift Station Replacement; two bids; engineer's estimate $415,137.28; and submitted staff recommendation to award the contract to low bidder, Stouder General Construction, LLC, in the amount of $607,321.60 (budgeted amount $497,000). Staff also recommended that $250,000 be transferred from the Central Plateau Interceptor project to cover the additional costs. Refer to Utilities Committee.

CAG: 03-083, NE 10th St/Anacortes Ave NE Storm System Improvement, Santana Trucking & Excavating

City Clerk reported bid opening on 6/17/2003 for CAG-03-083, NE 10th St. and Anacortes Ave. NE Detention Pond and Storm System Improvement; nine bids; engineer's estimate $990,416.19; and submitted staff recommendation to award the contract to low bidder, Santana Trucking & Excavating, Inc., in the amount of $798,548.48. Council concur.

Public Works: City of Everett Purchasing Agreement, Vactor Truck

Planning/Building/Public Works Department recommended approval of an intergovernmental cooperative purchasing agreement with the City of Everett to enable the City to purchase a replacement Vactor Truck E-93 (used to clean wastewater and stormwater pipelines) on Everett's contract in the amount of $276,804.56. Council concur. (See page 227 for resolution.)

Airport: Runway/Taxiway Lighting Signage & Paving Project, FAA Grant

Transportation Systems Division recommended approval of a grant application with the Federal Aviation Administration for a $2,240,385 grant for the Airport 2003 Taxiway Paving, Lighting and Signage Project. The City's cost share is
Application

Transportation: TIP (2004-2009)

$248,932. Council concur. (See page 227 for resolution.)

Transportation Systems Division submitted the annual update of the Six-Year Transportation Improvement Program (TIP). Refer the TIP to the Transportation (Aviation) Committee; set a public hearing on July 7, 2003 to consider the TIP.

MOVED BY KEOLKER-WHEELER, SECONDED BY PERSSON, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

OLD BUSINESS

Committee of the Whole

King County: Solid Waste Interlocal Agreement

Council President Keolker-Wheeler presented a Committee of the Whole report regarding the King County solid waste interlocal agreement. The Administration has informed Council that King County is planning to pay, from its Solid Waste Enterprise fund, to its current expense fund, the sum of $7 million per year for the use of the Cedar Hills Regional Landfill. These payments will start in 2004, and will be provided for by service reductions rather than raising solid waste rates. King County is also planning on charging past rent for the period of 1992-2003. The City of Renton and other Suburban Cities are participants in the solid waste interlocal agreement with King County that controls the relationship between the parties. The City of Renton, pursuant to that agreement, has the option of re-opening that agreement for review and renegotiations before July 1 of this year.

The Council hereby authorizes the Mayor to send a letter to King County requesting review and renegotiation of the provisions of the solid waste interlocal agreement prior to July 1, 2003, in order to keep the City's options open while the King County Executive's proposals are being evaluated by the Suburban Cities Association.

The Council further authorizes the Mayor to suggest to the Suburban Cities Association that it review and evaluate the real estate transactions leading to King County obtaining title to the land for the Cedar Hills Landfill, obtain a review of the appraisal and the assumptions, underline that appraisal, and further review the legality of the rental being proposed by the King County Executive.

The Council further authorizes the Mayor to spend up to $10,000 to join with other Suburban Cities in obtaining legal counsel and other assistance to review and renegotiate the provisions of the solid waste interlocal agreement and to review and evaluate the proposed rental arrangement for the Cedar Hills Landfill. MOVED BY KEOLKER-WHEELER, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL REFER THE KING COUNTY SOLID WASTE INTERLOCAL AGREEMENT TO THE UTILITIES COMMITTEE FOR ONGOING MONITORING. CARRIED.

Utilities Committee

SAD: East Kennydale Sanitary Sewer Infill Phase I

Utilities Committee Chair Corman presented a report recommending concurrence in the staff recommendation that the East Kennydale Sanitary Sewer Infill Phase I Special Assessment District No. 24 be approved. The Special Assessment District will establish connection charges of $6,122.35 per single-family unit that are within the boundary of the assessment district. In addition, simple interest will accrue at a rate of 4.86% for a period of ten years. The Committee further recommended that the ordinance finalizing the East Kennydale Sanitary Sewer Infill Phase I Special Assessment District be presented for first reading.*
Councilman Corman noted that homeowners only pay the connection fee when they hook-up to the sewer system.

*MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 227 for ordinance.)

Utilities Committee Chair Corman presented a report recommending Council concur with the staff recommendation to approve a $150,000 fund transfer from the SW 7th St. Storm System Improvement Project to the NE 10th St. and Anacortes Ave. NE Detention Pond and Storm System Improvement Project for funding of construction cost increases due to change orders and changes in bid item quantities, if needed. MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Planning and Development Committee Chair Briere presented a report recommending acceptance of St. Anthony's Parish dedication of the portion of the alley (four feet parallel to the south side of the east-west alley between Shattuck and Whitworth Avenues S.) agreed upon as part of the exchange of right-of-way set forth by the development agreement, dated March 11, 2003, between the City of Renton and St. Anthony's Parish. The Committee further recommended that the Council authorize the Mayor and City Clerk to execute the deed of dedication. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Majority Report: Planning and Development Committee Chair Briere presented a majority report regarding the determination of compensation for St. Anthony's Parish street vacations for portion of Whitworth Ave. S. and a portion of the alley running north and south between Whitworth and Morris Avenues S. and S. 3rd and 4th Streets (VAC-00-003 and VAC-03-001).

As part of implementing the approved master plan for St. Anthony's Parish campus, Council approval was obtained for the vacation of specific portions of right-of-way situated within the campus boundaries. At the time of the initial street vacation request, State law regarding compensation for vacated rights-of-way allowed Council to set compensation at 50% of the appraised value of the vacated property. However, current State law allows the amount of compensation to be determined by the City Council and to be no more than the full appraised value. This was reiterated in Section 1.2 of the development agreement entered into by the City of Renton and St. Anthony's Parish on March 11, 2003.

The Committee recognized the benefits to be gained from the development of a unified campus for St. Anthony's Parish by both the citizens of Renton, as well as for the City's downtown core. Therefore, the Committee (majority) recommended a reduction in the amount of compensation to be required for street vacation VAC-00-003 ($183,360 full value) and VAC-03-001 ($19,200 full value).

Pointing out that although staff proposed setting compensation for the full amount of the appraised value, Councilwoman Briere stated in discussion of the majority report, that she believed the square foot value was too high and proposed a 20% reduction in compensation for a total of $162,048.

Minority Report: Councilman Parker presented a minority report regarding
Committee Minority Report
Vacation: Compensation, Whitworth Ave S & Alley, St. Anthony's Parish, VAC-00-003 & VAC-03-001

The determination of compensation for St. Anthony's Parish street vacations for portion of Whitworth Ave. S. and a portion of the alley running north and south between Whitworth and Morris Avenues S. and S. 3rd and 4th Streets (VAC-00-003 and VAC-03-001). The Committee (minority) recommended concurrence in the staff recommendation that Council accept the appraisal and set compensation at $183,360 for street vacation VAC-00-003 and $19,200 for street vacation VAC-03-001.

The minority felt that St. Anthony's Parish should pay the full appraised value and to pay less than this full and fair value would set a precedent. The portions of roadway being vacated are fully improved rights-of-way. Although the petition for street vacation VAC-00-003 was submitted when State law and City Code only allowed Council to set compensation at 50% of the appraised value, State law and City Code have since changed to allow for compensation in the amount of the full appraised value if a street or alley has been a dedicated public right-of-way for 25 years or more. Section 1.2 of the development agreement between the City and St. Anthony's Parish signed on March 11, 2003, addressed the issue of compensation by determining that compensation for both vacations would be set pursuant to the current State law which allows Council to set compensation at no more than the full appraised value. In signing the development agreement, St. Anthony's Parish was fully aware that it could be required to pay the full appraised value if Council so determined.

In addition to the minority's belief that St. Anthony's Parish is not abiding by the contractual arrangements set forth in the development agreement in asking for compensation to be set at 50% of the appraised value, it was the minority position that Council would not be keeping faith with the rest of the citizens of Renton if St. Anthony's Parish paid anything less than the full and fair appraised value. When the vacated streets become church property, this property will not become part of the City's tax roll. The City does not give public schools concessions such as those being sought by St. Anthony's Parish. The Renton School District pays the full fees and full payment for associated street and utility improvements. Similar requests for fee reductions from other non-profit organizations have been denied. And although the St. Anthony's Parish development may have indirect benefits to business activity and may spur additional improvements in the surrounding area, the church is not a revenue-generating organization and thus is not comparable to the businesses that typically qualify for fee waivers. The City will not recoup any reductions given to St. Anthony's Parish through income generated from property taxes or sales taxes.

Therefore, the Committee (minority) recommended that Council accept the appraisal and set compensation at $183,360 for street vacation VAC-00-003 and $19,200 for street vacation VAC-03-001.

Discussion of the reports followed. Voicing his support for the street vacation and acknowledging the benefit it will have on the community, Councilman Parker expressed his concern regarding reducing the compensation of property for a faith-based organization. He stated that full value for the property should be paid for the reasons stated in the report, and recommended that Council concur in the minority report. Mr. Parker emphasized that the City needs to keep faith with the rest of the citizens of Renton by setting the compensation for this City asset at 100% of the appraised value as clearly allowed in the signed development agreement.

Councilman Clawson noted that the church did not specifically ask that
compensation be set at 50% of the appraised value. Instead, a reduction in compensation was requested. Pointing out that the vacation will benefit the surrounding community in indirect ways, he stated that Renton has monetarily supported Renton School District projects in the past and it should not matter whether this is for a faith-based or secular school. Mr. Clawson expressed his support for the majority report and agreed with Councilwoman Briere in setting compensation in the total amount of $162,048.

Councilwoman Briere noted that the City will no longer have the cost of maintaining the street, and Council President Keolker-Wheeler pointed out that the property is not part of the City's tax roll now, therefore the City will not be losing any tax revenue.

In response to Ms. Keolker-Wheeler's comments regarding the timing of the street vacation, City Attorney Larry Warren confirmed that St. Anthony's Parish requested the initial street vacation when State law established the amount of compensation at up to 50% of the appraised property value, and between the time of the public hearing and the execution of the development agreement, State law had changed to allow for compensation in the amount of the full appraised value if the street has been a dedicated public right-of-way for 25 years or more. Thus the development agreement reflects this by stating that Council determines the amount of compensation and it cannot be set at more than the full appraised value for the vacated property.

Councilman Corman pointed out two issues: 1) if this is a gift from the City to the church, care must be taken to follow established procedures such as review by the Human Services Advisory Committee; and 2) some may feel that the appraisal is not exactly right and this is an extraordinary property. Mr. Corman suggested that if the calculation is based on the assistance the City is providing, then it should go through the Human Services Advisory Committee.

Mr. Warren stated that this is not a gift and the matter falls under a different area of the law. He noted that Council has a great deal of discretion in how to establish the amount of compensation since State law does not set any perimeters other than stating that compensation cannot be set at more than the appraised value.

Council President Keolker-Wheeler stated that the fundamental question is whether compensation should be set at 50%, 100%, or something in between, and that the decision would not be precedent-setting. She noted that Council has not set its own policy regarding the determination of compensation for vacations.

Mayor Tanner stated that unless a revenue stream results from the sale of the property, the Administration will always recommend to Council that compensation be set at full appraised value.

Councilman Persson commented that there are many ways to judge the economic value of something and pointed out that this project will benefit the community in various ways including protecting the children's safety, as they will no longer have to cross a busy street to get to their classes.

In response to Mr. Persson's inquiry, Councilwoman Briere stated that although she did feel the appraisal was slightly high, the reduced compensation amount she proposed was mainly a result of trying to find a balance between the 50% and 100% amounts.

Responding to Ms. Keolker-Wheeler's inquiry, Mr. Warren stated that this was
the only ongoing vacation at the time the law changed. Development Services Director Neil Watts pointed out that the City did not cause the delay during the vacation process.

MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE MAJORITY REPORT AS PRESENTED AND SET COMPENSATION FOR BOTH VACATIONS IN THE TOTAL AMOUNT OF $162,048.*

Council President Keolker-Wheeler recommended splitting the difference and setting compensation for the properties at 75% of the appraised value. Councilman Clawson agreed with her recommendation.

Councilman Parker stated that there was no way to know that State law would change during the vacation process, but it did, giving Council discretion of up to 100%. He urged Council to set compensation for this City asset at the full appraised value.

MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL AMEND THE MOTION AND SET COMPENSATION FOR BOTH PROPERTIES AT 75% OF THE APPRAISED VALUE. CARRIED.

*MAIN MOTION AS AMENDED: ROLL CALL: FIVE AYES: KEOLKER-WHEELEER, CLAWSON, NELSON, PERSSON, BRIERE; TWO NAYS: CORMAN, PARKER. CARRIED.

ORDINANCES AND RESOLUTIONS

The following resolutions were presented for reading and adoption:

Resolution #3642
Public Works: City of Everett Purchasing Agreement, Vactor Truck

A resolution was read authorizing the Mayor and City Clerk to enter into an intergovernmental cooperative purchasing agreement with the City of Everett. MOVED BY KEOLKER-WHEELEER, SECONDED BY BRIERE, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

Resolution #3643
Airport: Runway/Taxiway Lighting Signage & Paving Project, FAA Grant Application

A resolution was read authorizing the Administration to complete and file an application with the Federal Aviation Administration for a grant for the Airport Runway/Taxiway Lighting, Paving, and Signage Project. MOVED BY KEOLKER-WHEELEER, SECONDED BY PERSSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinance was presented for first reading and referred to the Council meeting of 7/07/2003 for second and final reading:

SAD: East Kennydale Sanitary Sewer Infill Phase I

An ordinance was read establishing an assessment district for sanitary sewer service for properties adjacent to Monterey Ct. NE, NE 16th St., Blaine Ave. NE, Camas Ave. NE, Dayton Ave. NE, Edmonds Ave. NE, and Monterey Ave. NE, and establishing the amount of the charge upon connection to the facilities.

MOVED BY KEOLKER-WHEELEER, SECONDED BY BRIERE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 7/07/2003. CARRIED.

The following ordinance was presented for second and final reading and adoption:

Ordinance #5013
Utility: City Code Amends re

An ordinance was read amending Section 4-1-180, of Chapter 1, Administration and Enforcement, of Title IV (Development Regulations); and Sections 8-2-1,
Utility Rates Remission & Water Meter Service Charges of Chapter 2, Storm and Surface Water Drainage, and 8-4-10, 11, 12, 18, 26, 33, and 34, of Chapter 4, Water, and 8-5-15 and 8-5-16, of Chapter 5, Sewers, of Title VIII (Health and Sanitation) of City Code to clarify remission of rates, increase charges to shut off and turn on water meters, and add an after-hours charge to turn on meters. MOVED BY KEOLKER-WHEELER, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

NEW BUSINESS
Community Event: Highlands Community Association Meeting re Fireworks Councilman Clawson announced that he will be speaking on the subject of fireworks at the Highlands Community Association meeting on June 26. Also in attendance at the meeting will be Deputy Fire Chief Glen Gordon and Deputy Police Chief Kevin Milosevich.

EXECUTIVE SESSION AND ADJOURNMENT MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL RECESS INTO EXECUTIVE SESSION FOR APPROXIMATELY 20 MINUTES TO DISCUSS LABOR NEGOTIATIONS WITH NO OFFICIAL ACTION TO BE TAKEN AND THE COUNCIL MEETING BE ADJOURNED WHEN THE EXECUTIVE SESSION IS ADJOURNED. CARRIED. Time: 9:03 p.m.

Executive session was conducted. There was no action taken. The executive session and the Council meeting adjourned at 9:25 p.m.

Bonnie I. Walton, City Clerk

Recorder: Michele Neumann
June 23, 2003