RENTON CITY COUNCIL
Regular Meeting

September 15, 2003 Council Chambers
Monday, 7:30 p.m. Renton City Hall

MINUTES

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; TERRI BRIERE; KING
PARKER; DON PERSSON; RANDY CORMAN; TONI NELSON; DAN
CLAWSON.

CITY STAFF IN ATTENDANCE
JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer;
LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk;
GREGG ZIMMERMAN, Planning/Building/Public Works Administrator;
JENNIFER HENNING, Principal Planner; DENNIS CULP, Community
Services Administrator; LESLIE BETLACH, Parks Director; SYLVIA ALLEN,
Recreation Director; KELLY BEYMER, Golf Course Manager; ALEX
PIETSCH, Economic Development Administrator; REBECCA LIND, Planner
Manager; SHAWNA MULHALL, Development Manager; DEREK TODD,
Assistant to the CAO; CHIEF GARRY ANDERSON and ACTING
COMMANDER TIMOTHY TROXEL, Police Department.

PROCLAMATION
Day of Concern for the Hungry – September 27, 2003
A proclamation by Mayor Tanner was read declaring the day of September 27,
2003, to be "Day of Concern for the Hungry" in the City of Renton, urging all
citizens to join with the Emergency Feeding Program to feed those who are
hungry. MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN,
COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Christine Giffey-Brohaugh with the Renton Salvation Army accepted the
proclamation and thanked the City for its commitment to the needy. She stated
that on September 27, food collection stations will be located at local grocery
stores throughout the community, and noted that the Emergency Feeding
Program and the Renton Salvation Army Food Bank welcome monetary
donations as well as food donations.

SPECIAL PRESENTATION
Community Event: Return to Renton Car Show,
Contribution of Proceeds to Police Department
Police Chief Anderson introduced Ben and Nancy Remak and their daughter
Elsa, organizers of the annual Return to Renton Car Show. He stated that the
Remaks have committed 13 years to the event, and since the first event in 1991,
total proceeds in the amount of $70,138.35 have been donated to the Police
Department's youth education programs. In appreciation for their efforts and
service to the community, Chief Anderson and Acting Commander Timothy
Troxel presented the Remaks with a framed picture entitled "Main Street
U.S.A."

Emphasizing that they have enjoyed organizing the car show for the past 13
years, Ms. Remak announced that they will not coordinate the event next year.
Fortunately the car show will continue, with local merchants taking over the
responsibility of coordinating and organizing the event. Mr. Remak thanked the
City for its support of the car show, and he presented a check in the amount of
$7,270.82 to Chief Anderson, which represents a portion of this year's total
contribution of $8,885.82.
At the request of Planning and Development Committee Chair Briere, Principal Planner Jennifer Henning reviewed the Clover Creek II project, explaining that the applicant seeks a rezone of the site located at Park Ave. N. and N. 27th Pl. from R-1 (Residential Single Family; one dwelling unit per acre) to R-5 (Residential Single Family; five dwelling units per acre), as well as a subdivision of the 4.3 acre site into 15 single-family lots. Pointing out that the appeal only addresses the rezone, Ms. Henning reported that the Hearing Examiner recommended denial of the rezone, and subsequently the matter was appealed to Council.

Councilwoman Briere stated that the surrounding area is zoned R-8 (Residential Single Family, eight dwelling units per acre) and the Committee felt that R-5 zoning was appropriate for the site, and it met the Growth Management Act's (GMA) guidelines for infill.

Planning and Development Committee Chair Briere presented a report regarding the Clover Creek II Rezone and Preliminary Plat (PP-01-034). The Committee had previously met to consider the appeal of the recommendation of the Hearing Examiner dated 4/24/2003. The subject property is located at Park Ave. N. and N. 27th Pl., Renton, Washington. The applicant, Brad Hughes (Labrador Ventures, LLC), sought a rezone of the subject site from R-1 to R-5, and approval of a preliminary plat.

On remand from the Superior Court, the Hearing Examiner recommended that the City Council deny the application to rezone the site to R-5 and declined to review the preliminary plat based on that recommendation. The applicant appealed that recommendation, citing 13 believed errors.

**FINDINGS OF FACT**

1) The Committee adopted the findings of facts as stated by the Hearing Examiner in the recommendation dated 4/24/2003.

2) The Committee found that the requested rezone is in the public interest. Specifically, the rezone meets the public interest requirement by fulfilling the City's own stated goals and the GMA goal of encouraging infill development.

3) The Committee found that the rezone will further the preservation and enjoyment of the Petitioner's property rights. Specifically, the rezone will allow the Petitioner to develop the site at a level more compatible with development in the surrounding area and still maintain the proposed lots at a considerable size.

4) The Committee found that the rezone and subsequent development, while causing an increase in attendant noise, traffic, and other typical impacts of development, will not be detrimental to the public welfare.

5) The Committee found that the rezone meets the decision criterion found in RMC (Renton Municipal Code) 4-9-180F. Specifically, and most compellingly, the Committee found that the infrastructure, public improvements, and other significant changes around the subject site have undergone significant and material changes that support increased development.
CONCLUSIONS OF LAW

1) The subject site meets the required criterion for a change of zone classification.

2) The approval of a rezone request is discretionary regardless of whether the request meets the review criterion.

3) Approval of the rezone would be in the best interest of the City of Renton.

RECOMMENDATIONS

The Committee recommended that the City Council depart from the Hearing Examiner's recommendation to deny the rezone and approve a rezone of the subject site to R-5. The Committee further recommended that the City Council remand the review of the preliminary plat back to the Hearing Examiner for his consideration. MOVED BY BRIERE, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Council President Keolker-Wheeler expressed her concerns regarding the Committee report and the subject site, noting that the rezone was denied on two separate occasions. She pointed out that the adjacent Griffen Home property is zoned R-1, thus R-1 zoning for the subject site would not be inconsistent with that property. Ms. Keolker-Wheeler stated her intent to vote against the recommendation of the Committee.

Councilman Parker stated that R-5 zoning is compatible with zoning in the surrounding area, and he pointed out that development standards must be followed when the site is developed.

Councilman Clawson expressed his disappointment with the developer's work on the adjacent property with respect to the sensitive areas. However, he indicated his support for the Committee report, agreeing that R-5 zoning is compatible with the surrounding area.

*MOTION CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington 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:

- The 2003 Renton Community Calendar received a second place Silver Circle Savvy Award from the City/County Communications and Marketing Association.
- A 17-member delegation from Renton's Sister City, Cuautla, Jalisco, Mexico, will visit Renton on September 22 through September 26.

Public Works: Power Outages

Planning/Building/Public Works Administrator Gregg Zimmerman reported on the status of the Grady 15 circuit that provides power to portions of the downtown area along S. 2nd and S. 3rd Streets and Wells and Williams Avenues S., and has experienced approximately 15 power outages since last October. He stated that Puget Sound Energy (PSE) has committed to replacing the aging electrical conductors for the Grady 15 circuit, which entails replacing some conduit that their recently completed infrared testing indicated may be faulty, and replacing 8,000 feet of underground conductor wiring over the next six weeks. Mr. Zimmerman noted that a substantial amount of conduit and 1,000 feet of buried cable was replaced by PSE last Sunday night, and he was
informed that the rest of the work will only require one more limited planned power outage.

Additionally, Mr. Zimmerman reported that the Grady 16 circuit, which provides power to the Renton Hill area, has experienced two power interruptions over the past few months. The first outage was the result of a cable feeder failure, and the second, a local cable failure. He pointed out that PSE intends to present a plan to the City for the replacement of aging circuit infrastructure in the downtown area.

AUDIENCE COMMENT
Citizen Comment: Petersen – Aguilar Eviction from 311 Smithers Ave S Property

Inez Petersen, 3306 Lake Washington Blvd. N., Apt. 3, Renton, 98056, expressed her concern regarding the treatment and apparent eviction of Carlos Aguilar from the Awareness of Life Church property located at 311 Smithers Ave. S. She urged the City to take every possible action to ensure Mr. Aguilar is treated fairly.

CONSENT AGENDA
Items on the consent agenda are adopted by one motion which follows the listing. At the request of Council President Keolker-Wheeler, item 8.i. was removed for separate consideration.


Mayor Tanner appointed Steve Maxwell, 2827 Mountain View Ave. N., Renton, 98056, to the Board of Adjustment, Position #7, to fill the unexpired term of Eric Cameron, who resigned in 2002 (term to expire 9/06/2004). Refer to Community Services Committee.

Mayor Tanner reappointed James Jacques, 2509 Aberdeen Ave. NE, Renton, 98055, and Jay Wallace, 1207 N. 33rd St., Renton, 98056, each to the Board of Adjustment for a four-year term expiring 9/06/2007. Council concur.

City Clerk reported bid opening on 9/04/2003 for CAG-03-138, Museum Roof Replacement; five bids; engineer's estimate $73,000; and submitted staff recommendation to award the contract to the low bidder, Lloyd A. Lynch, Inc., in the amount of $72,352. Council concur.

Community Services Department recommended approval of an additional services agreement (CAG-01-123) in the amount of $20,470 with LMN Architects to design a police sub-station in the City Center Parking garage. Council concur.

Community Services Department submitted CAG-02-194, Gene Coulon Memorial Beach Park Nisqually Earthquake Rehabilitation; and requested approval of the project, commencement of 60-day lien period, and release of retained amount of $8,247.75 to Precision Earthworks, Inc., contractor, if all required releases are obtained. Council concur.

Police Department recommended approval of the Valley Narcotics Enforcement Team interlocal agreement with the cities of Auburn, Kent, and Tukwila; King County Sheriff's Office; and the Washington State Patrol. Council concur. (See page 331 for resolution.)

Utility Systems Division submitted CAG-01-024, Replacement of Water Well EW-3; and requested approval of the project, authorization for final pay estimate in the amount of $1,537.34, commencement of 60-day lien period, and release of retained amount of $41,824.74 to Prospect Construction, Inc., contractor, if all required releases are obtained. Approval is also sought to transfer $8,000 from the Reservoir Recoating project budget to the Replacement
Separate Consideration

Item 8.i.
Community Services: Pavilion Building Renovation, Budget Increase, CAG-03-005

Community Services Department recommended approval to use City Center Parking garage fund savings to increase the Pavilion Building renovation project budget by $80,000 due to unforeseen site condition expenses.

At the request of Council President Keolker-Wheeler, Community Services Administrator Dennis Culp explained that the additional $80,000 is necessary to cover unforeseen site condition expenses found during construction ($50,000) and to restore a small contingency fund ($30,000). A decision is needed this evening on whether to increase the project budget or to reduce the project scope to stay within budget by replacing the glass at the east and west ends of the building with siding (the glass procurement must be cancelled by September 17 in order to receive the credit).

Mr. Culp stated that funds are available from the City Center Parking garage project savings to cover the increase in budget, and he estimated that the garage project realized a savings of $1.3 to $1.7 million.

Councilman Parker indicated that he was a proponent of the Pavilion Building remodel but was disappointed to learn of the need for a budget increase. However, he acknowledged that glass siding would enhance the architecture of the building and agreed with the staff recommendation to increase the budget.

MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL APPROVE THE PAVILION BUILDING PROJECT BUDGET INCREASE AS PRESENTED. CARRIED.

OLD BUSINESS

Annexation: Hendrickson, NE Sunset Blvd & SE 112th Pl

Council President Keolker-Wheeler explained that the matter concerning the 10% Notice of Intent to Annex Petition for the proposed Hendrickson Annexation, continued from the Council meeting of 9/08/2003, requires a Council decision tonight as to whether the 10% petition should be accepted, rejected, or modified. She added that questions arose concerning the mobile home park located on the eastern portion of the site, and the displacement of the mobile home residents if the park closes.

Councilwoman Nelson recommended that Council accept the 10% petition and authorize circulation of the 50% petition to annex. She stated her belief that the owner of the property will develop the mobile home park site regardless of whether the site is annexed to the City or not.

Councilman Clawson expressed concern regarding the mobile home residents and questioned whether they have been informed of the proposed annexation.

Economic Development, Neighborhoods and Strategic Planning Department Administrator Alex Pietsch explained that if the mobile home park residents are registered voters, they can choose to sign or not sign the petition supporting the annexation. In order for the petition to be successful, it must be signed by 50% of the registered voters and 50% of the owners of the taxable property.

At the request of Mr. Pietsch, City Attorney Larry Warren relayed discussions with and actions taken by the developer and the City with regards to the issuance of sewer to the site.
Stating that acceptance of the 10% petition is just the first step in this process, Councilman Parker indicated his support for its acceptance. Additionally, he stated his belief that the owner will provide assistance for the displaced mobile home residents if the park is closed.

Council President Keolker-Wheeler expressed her concern that the mobile home park residents may not have knowledge of or understand the annexation process, and she wants to make sure they are informed of the potential repercussions of the annexation. Discussion followed regarding public notification procedures and who was notified of the proposed annexation.

Councilman Persson pointed out that the mobile home park could be closed by the property owner at any time regardless of whether the site is annexed to the City.

MOVED BY PERSSON, SECONDED BY NELSON, COUNCIL: ACCEPT THE 10% NOTICE OF INTENT TO ANNEX, AMEND THE PROPOSED ANNEXATION AREA TO INCLUDE THE ABUTTING SR-900 – SE ISSAQWAH RD. RIGHT-OF-WAY, AUTHORIZE THE CIRCULATION OF THE 50% PETITION TO ANNEX, REQUIRE CITY ZONING OF THE AMENDED ANNEXATION AREA THAT IS CONSISTENT WITH RENTON'S COMPREHENSIVE PLAN, AND REQUIRE THAT PROPERTY OWNERS ASSUME A PROPORTIONAL SHARE OF THE CITY’S BONDED INDEBTEDNESS.*

Discussion ensued regarding the type of information the City could provide residents regarding the annexation process, the language required on the 50% petition, the determination by County officials of sufficiency of the signatures and the annexation process beyond the circulation of the 50% petition to annex.

*MOTION CARRIED.

Finance Committee
Finance: Bond Issuance, Water & Sewer Revenue Refunding

Finance Committee Chair Parker presented a report regarding the ordinance to refund approximately $8.1 million in water sewer revenue bonds for an anticipated savings over the next ten years of at least $500,000. The Committee recommended adoption of the ordinance authorizing the sale of $8.1 million in water sewer revenue bonds for the purpose of refunding over $8.6 million in outstanding debt. The bonds will be sold on 9/18/2003, and the final numbers will be presented to the Finance Committee on 9/22/2003.

The Committee further recommended that the ordinance regarding this matter be presented for first reading. MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 331 for ordinance.)

Community Services Committee
Community Services: Maplewood Golf Course Restaurant Facilities Lease, All My Restaurants

Community Services Committee Chair Nelson presented a report recommending concurrence in the staff recommendation to execute a formal six-year lease and concession agreement with All My Restaurants, Inc., doing business as RiverRock Grill and Alehouse, located at the Maplewood Golf Course. The City has the option, at the end of the agreement period, to renew for three more years. The Committee further recommended that the Mayor and City Clerk be authorized to execute the lease agreement. MOVED BY NELSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Appointment: Library Board

Community Services Committee Chair Nelson presented a report
Community Services: IKEA Performing Arts Center Use, Renton School District

Community Services Committee Chair Nelson presented a report concurring with City staff and the Renton School District Board to approve the IKEA Performing Arts Center use contract. MOVED BY NELSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See later this page for resolution.)

ORDINANCES AND RESOLUTIONS

The following resolutions were presented for reading and adoption:

**Resolution #3658**
Police: Valley Narcotics Enforcement Team Interlocal Agreement

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal agreement between Auburn, Kent, Renton, Tukwila, King County Sheriff's Office, and the Washington State Patrol, for the Valley Narcotics Enforcement Team. MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

**Resolution #3659**
Community Services: IKEA Performing Arts Center Use, Renton School District

A resolution was read authorizing the Mayor and City Clerk to enter into an agreement between the Renton School District and the City of Renton concerning City use of the IKEA Performing Arts Center. MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinances were presented for first reading and referred to the Council meeting of 9/22/2003 for second and final reading:

**Planning: Highlands Redevelopment Area, Harrington Square**

An ordinance was read amending Chapters 4-2, 4-3, and 4-4 of Title IV (Development Regulations) of City Code to allow urban style multi-family housing in the Suburban Center Overlay District within the Highlands redevelopment area. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 9/22/2003. CARRIED.

**Finance: Bond Issuance, Water & Sewer Revenue Refunding**

An ordinance was read relating to the waterworks utility of the City, including the sewerage system as a part thereof; providing for the issuance of an aggregate principal amount of Water and Sewer Revenue Refunding Bonds, 2003, of the City for the purpose of obtaining the funds with which to refund, on a current basis, and defease all of the City's outstanding Water and Sewer Refunding and Improvement Revenue Bonds, 1993, and to advance refund and defease all of the City's outstanding Water and Sewer Revenue Bonds, 1994; fixing the date, form, denominations, maturities, interest rates, terms and covenants of the bonds; providing for bond insurance; and approving the sale and providing for the delivery of the bonds to D.A. Davidson & Co., Seattle, Washington. MOVED BY CORMAN, SECONDED BY PARKER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 9/22/2003. CARRIED.

NEW BUSINESS

King County: Public Health Department Outreach re Lead Abatement

Council President Keolker-Wheeler encouraged those Renton residents who received letters and educational materials from the Seattle-King County Public Health Department to take advantage of the free visit from a public health department staff member to determine if they have lead problems in their homes.
Council President Keolker-Wheeler reported receipt of letter from Mick Zevart, Field Representative for A Veterans Group, 17617 SE May Valley Rd., Renton, 98059, requesting a listing of names already engraved or scheduled to be engraved on the Veterans Memorial. Ms. Keolker-Wheeler requested that a list be sent to him.

**ADJOURNMENT**

MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL ADJOURN. CARRIED. Time: 8:55 p.m.

Bonnie I. Walton, City Clerk

Recorder: Michele Neumann

September 15, 2003