RENTON CITY COUNCIL
Regular Meeting

April 29, 2013
Council Chambers
Renton City Hall

MINUTES

CALL TO ORDER

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

ROLL CALL OF COUNCILMEMBERS

RANDY CORMAN, Council President; GREG TAYLOR; RICH ZWICKER; TERRI BRIERE; ED PRINCE; DON PERSSON; MARCIE PALMER.

CITY STAFF IN ATTENDANCE

DENIS LAW, Mayor; JAY COVINGTON, Chief Administrative Officer; GARMON NEWSOM, Assistant City Attorney; BONNIE WALTON, City Clerk; TERRY HIGASHIYAMA, Community Services Administrator; IWEN WANG, Administrative Services Administrator; GREGG ZIMMERMAN, Public Works Administrator; PREETI SHRIDHAR, Deputy Public Affairs Administrator; PETER RENNER, Facilities Director; KELLY BEYMER, Parks & Golf Course Director; LESLIE BETLACH, Parks Planning & Natural Resources Director; DEPUTY CHIEF ERIK WALLGREN, Fire & Emergency Services Department; and COMMANDER PAUL CLINE, Police Department.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reported that Council received a packet of information regarding the revised Cedar River Library schematic design on Friday, April 26. He stated that the packet contained a summary of the information, an updated budget, the March 1, 2013 100% schematic design set and specification manual for the smaller initial design of the Cedar River library, and the revised schematic design and detailed cost estimates that reflect the larger 19,500 square foot design that the King County Library System (KCLS) presented to Council on April 15, 2013.

Mr. Covington reported that the packets also provided information regarding two possible courses of action regarding the additional funds requested by KCLS. He explained that the City could re-prioritize year-end fund balances, or extend the annual debt service until 2023 in order to garner the additional $1.5 million. He noted, however, that the administration is simply recommending keeping the budget fluid for now, as no action is needed from Council at this time regarding the additional funds.

Additionally, Mr. Covington stated that the public and some members of Council voiced a recommendation to have an independent review or audit of the construction budget. He reported that the administration is currently interviewing candidates to conduct this independent review, and is also recommending that the audits occur concurrently with the ongoing design and construction. He explained that this action was recommended to prevent a delay in Council’s approval of the schematic design.

Council President Corman challenged the public and Council to find a solution that brings this issue to a close. He noted that KCLS and City staff are in attendance and available to answer any questions that may arise.

MOVED BY CORMAN, SECONDED BY TAYLOR, COUNCIL SUSPEND THE RULES AND ALLOW THE AUDIENCE COMMENT PERIOD TO EXCEED THE 30 MINUTE TIME LIMIT. CARRIED.
Councilmember Taylor stated that although he too would like to see this issue come to a conclusion, he did not feel that one weekend was enough time to fully review the newest design from KCLS. He emphasized that more time was needed to thoroughly vet the new proposal, and urged Council to not take any action at tonight’s meeting.

Mr. Corman remarked that there were really only 22 pages of new information and he would be agreeable to having City or KCLS staff review the revisions prior to making a decision. He stated that he would at least like to make an attempt to bring this topic to a close at tonight’s meeting.

The following speakers commented on the Cedar River Library: Jonathan Fox (Renton); Elizabeth Stevens (Renton); Paul Ouellette (Renton); David Keys (Renton); Beth Asher (Renton); Dave Kroeger (Renton); Melody Kroeger (Renton); Kathie Ossenkop (Renton); Howard McOmber (Renton); and Kerrick Mainrender (Renton);

Citizen comments and concerns stated or alleged included: KCLS has addressed many outstanding complaints and it is time to move forward and accept the schematic design; the $1.5 million KCLS requested in additional funds can be found within the project budget; the four new documents and construction cost estimate do not constitute 100% design schematic as required by the interlocal agreement with KCLS and therefore Council does not have the legal authority to approve the design; the assumption that because the building’s footprint was increased by 26.6% then the budget should therefore be increased by that amount is faulty; Council did not have enough time to review the newest design proposal; criticism of KCLS’s proposed budget for professional fees that should already be covered within consultant contracts for basic services; KCLS continues to deliver misinformation and partial information; citizens are not asking for a smaller budget, but are asking that the budget be audited; new technology should not replace printed materials; the entrance located mid-span on the bridge deck should be retained; and the new pile cap could be utilized as a foundation for additional expansion of the library.

The following citizen recommendations were expressed: The independent audit should be conducted prior to accepting the new design plan to ensure KCLS is following state guidelines; there are more options regarding the library entrance including adding an additional door in the airlock area that opens directly onto the bridge deck; provide citizens a forum and allow them to be a part of KCLS’s design team; and if the library is expanded then the City’s Northwest Section should be restored.

Council President Corman remarked that he would like to lock in the larger design and cautioned that cutting the budget prior to approving the design could lead to a smaller library building. He also noted that the program budget was just a cost estimate and did not necessarily mean that the City was obligated to pay for every line item that was proposed. Additionally, Mr. Corman reiterated citizens’ concerns whether the documents Council received met the requirements of the interlocal agreement and asked the City Attorney for an opinion.
Assistant City Attorney Garmon Newsom stated that he had not been provided a copy of the documents and therefore could not provide an opinion on their legality in relation to the interlocal agreement.

Councilmember Briere remarked that there were gaps and padding in the budget because Council had not yet approved the final schematic design. She stated that she believed the budget would be fine-tuned as the design came together.

Councilmember Persson reviewed Council’s responsibilities for approving large projects. He also noted that City staff had a large role in the construction of the South Correctional Entity (SCORE) jail and that project came in under budget. Mr. Persson remarked that he believed a decision could be achieved at tonight’s meeting.

Chief Administrative Officer Covington clarified that the documents KCLS presented on April 15 were sketches; however, the documents submitted to Council on April 26 were in fact schematic designs. He stated that it is the administration’s opinion that these documents satisfy the requirements of the interlocal agreement.

Mark Martinez (Renton) urged Council and the administration to conform to the will of the people and allow medical and recreational marijuana dispensaries to locate their businesses in Renton. He shared stories of friends and relatives who he believes could benefit from medicinal marijuana use.

Mayor Law remarked that the business Mr. Martinez was speaking about was shut down because they did not have a business license, not because they were selling marijuana.

John Houston (Renton) spoke on behalf of the Renton Youth Advocacy Center and urged the City to re-open the Tiffany Park building. He also remarked that his organization paid a $2,060 permit fee last October and still had not been able to utilize the building.

Mayor Law stated that his office would schedule an appointment with Mr. Houston to talk about his concerns.

MOVED BY ZWICKER, SECONDED BY PALMER, COUNCIL REFER THE REQUEST TO RE-OPEN THE TIFFANY PARK BUILDING AND COMPLAINT FOR SIX-MONTH DELAY AFTER PAYING PERMIT FEE AS DESCRIBED BY MR. HOUSTON TO THE ADMINISTRATION. CARRIED.

David Bosco (Renton) spoke in favor of the Renton Youth Advocacy Center and urged Council to re-open the Philip Arnold Park building as well as the Tiffany Park building. He stated that a partnership between residents, local businesses, and the City can be created to support the use of the park buildings.

George Houston (Renton) spoke in favor of the Renton Youth Advocacy Center. He urged Council to re-open the Tiffany Park building. Mr. Houston remarked that the Renton Youth Advocacy Center serves to help young people become contributing members of society.

Items listed on the consent agenda are adopted by one motion which follows the listing. At the request of Councilmember Briere, Consent Agenda Item 5.g. was removed for separate consideration.
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<tr>
<td>Appointment: Municipal Arts Commission</td>
<td>Mayor Law appointed Mitch Shepherd to the Municipal Arts Commission for a new term expiring 12/31/2015. Refer to Community Services Committee.</td>
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<td>CAG: 13-045, East Renton Lift Station Elimination, Hoffman Construction</td>
<td>City Clerk re-submitted bid opening on 4/9/2013 for CAG-13-045, East Renton Lift Station Elimination project; 11 bids; engineer’s estimate $482,993.55; and revised staff recommendation to re-award the contract to the low bidder, Hoffman Construction, Inc., in the corrected amount of $257,278.79. Council concur.</td>
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<tr>
<td>CAG: 13-046, Lind Avenue Lift Station Replacement, Equity Builders</td>
<td>City Clerk reported bid opening on 4/16/2013 for CAG-13-046, Lind Avenue Lift Station Replacement project; nine bids; engineer’s estimate $740,767.50; and submitted staff recommendation to award the contract to the low bidder, Equity Builders, LLC, in the amount of $698,391. Council concur.</td>
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<td>Finance: Revise Entertainment Device Fees &amp; Gambling Taxes, Code Amendment</td>
<td>Administrative Services Department recommended amending City Code to revise regulations regarding entertainment device license fees and gambling taxes. Refer to Finance Committee.</td>
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<td>Community Services: Floating Fish Trap ILA, WA Fish &amp; Wildlife</td>
<td>Community Services Department recommended approval of an interlocal agreement with the Washington State Department of Fish and Wildlife to anchor a floating fish trap on City property for a three-year period expiring 12/31/2015. Council concur. (See page 127 for resolution.)</td>
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<tr>
<td>Lease: Fourth Floor of City Hall, Iron Mountain Information Management, LAG-00-003</td>
<td>Community Services Department recommended approval of an amendment to LAG-00-003, lease with Iron Mountain Information Management, LLC, for the fourth floor of City Hall, extending the lease term to 12/31/2015. Revenue generated is $594,960 over the two-year term. Refer to Finance Committee.</td>
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**Separate Consideration Item 5.g.**

| Community Services: Meadow Crest Playground, King County Youth Sports Facility Grant | Community Services Department recommended approval of a King County Youth Sports Facility Grant to accept $65,000 to assist with capital improvements at the Meadow Crest Playground. Refer to Finance Committee. Councilmember Briere remarked that rather than holding up this grant she recommends adopting this item as Council concur. MOVED BY BRIERE, SECONDED BY ZWICKER, COUNCIL CONCUR TO ADOPT CONSENT AGENDA ITEM 5.g. AS COUNCIL CONCUR. CARRIED. |
Council President Corman expressed concern that although there was a Committee of the Whole report available for adoption, he was unsure whether Council had the legal authority to approve the newest Cedar River Library design plans as proposed by KCLS.

Mr. Covington clarified for the record that the administration believes that the documents Council received on April 26 comply with and satisfy the intent of the interlocal agreement with KCLS.

Council discussion ensued regarding the reasons for and against voting on the issue at tonight’s Council meeting; conviction in the staff recommendation that the documents satisfy the intent of the interlocal agreement; the need for an additional week to vet new ideas citizens brought forth at tonight’s meeting; and the need for an Executive Session. Further discussion ensued regarding the amount of time, the reasons, and procedures for conducting a brief Executive Session.

Mr. Persson remarked that he believed holding an Executive Session was not necessary and that he was convinced Council had enough information to vote on the issue.

MOVED BY PERSSON, SECONDED BY ZWICKER, COUNCIL APPROVE THE SCHEMATIC DESIGN AS PRESENTED.* (See later this page for the revised motion, and page 126 for final Council action.)

Council discussion ensued regarding the ability to vote on an issue when the City Attorney has requested to speak about it in Executive Session; the amount of time needed for the Executive Session; whether or not an Executive Session could be conducted when there was an open motion on the table; and the exact purpose of the Executive Session.

Assistant City Attorney Newsom stated that Council could in fact recess into Executive Session to discuss the motion on the table. City Clerk Walton affirmed this statement.

MOVED BY CORMAN, SECONDED BY PRINCE, COUNCIL RECESS INTO EXECUTIVE SESSION FOR APPROXIMATELY 15 MINUTES TO DISCUSS POTENTIAL LITIGATION (RCW 42.30.110.1.i.) WITH NO OFFICIAL ACTION TO BE TAKEN AND THAT THE COUNCIL MEETING RECONVENE WHEN THE EXECUTIVE SESSION IS ADJOURNED. CARRIED. Time: 9:01 p.m.

The meeting reconvened at 9:13 p.m. Roll was called. All Councilmembers present.

Councilmember Persson clarified his motion to state “Approve the schematic design for a renovated replacement library over the Cedar River, approximately 19,500 gross square feet in size, for a maximum City contribution not to exceed ten million four hundred thousand dollars ($10,400,000); deem that the guiding principles established for the preliminary design phase have been fulfilled; direct the administration to proceed with retaining consultant(s) to conduct an independent review of the preliminary project budget; and perform a project cost audit during the construction phase and report results back to the Finance Committee.”
Ms. Palmer requested that the motion be amended so that the results of the audit are reported back to the Committee of the Whole instead of the Finance Committee.

*At Council’s request City Clerk Walton re-read the motion as follows: “MOVED BY PERSSON, SECONDED BY ZWICKER, COUNCIL APPROVE THE SCHEMATIC DESIGN FOR A RENOVATED REPLACEMENT LIBRARY OVER THE CEDAR RIVER, APPROXIMATELY 19,500 GROSS SQUARE FEET IN SIZE, FOR A MAXIMUM CITY CONTRIBUTION AMOUNT NOT TO EXCEED TEN MILLION FOUR HUNDRED THOUSAND DOLLARS ($10,400,000); DEEM THAT THE GUIDING PRINCIPLES ESTABLISHED FOR THE PRELIMINARY DESIGN PHASE HAVE BEEN FULFILLED; DIRECT THE ADMINISTRATION TO PROCEED WITH RETAINING CONSULTANT(S) TO CONDUCT AN INDEPENDENT REVIEW OF THE PRELIMINARY PROJECT BUDGET; PERFORM A PROJECT COST AUDIT DURING THE CONSTRUCTION PHASE AND REPORT RESULTS BACK TO THE COMMITTEE OF THE WHOLE.”*

Mr. Corman requested that an amendment to the motion be made to have the KCLS architecture team consider adding an additional door that opens from the entrance airlock area directly onto the bridge as part of the design.

MOVED BY CORMAN, SECONDED BY PALMER, COUNCIL AMEND THE MOTION IN ORDER TO ASK THE KING COUNTY LIBRARY SYSTEM ARCHITECTURE TEAM TO CONSIDER ADDING A SECOND DOOR THAT OPENS FROM THE ENTRANCE AIRLOCK AREA DIRECTLY ONTO THE BRIDGE AS PART OF THE DESIGN.**

Discussion ensued regarding the justification for the additional door; the fact that it was just a recommendation to consider adding the additional door; clarification on where exactly the additional door would be located in relation to the current design under consideration for approval; and concern that this motion could be done as a separate motion that included other items Council deemed necessary to add to the proposed design.

Community Services Administrator Terry Higashiyama invited King County Library System Director Bill Ptacek to speak about the impacts of this request. Mr. Ptacek stated that KCLS would consider the request, but noted that a large cross beam is located in the area where the new door is being proposed.

Ms. Briere called for the question.

**AMENDMENT TO MOTION CARRIED.

Mayor Law asked for further discussion on the first motion.

Mr. Taylor reiterated his concern that he believed voting to approve the schematic design was premature. Mr. Corman remarked that he did not believe waiting an additional week would change the outcome of the vote. Ms. Palmer agreed with both Mr. Taylor and Mr. Corman and remarked that she felt better knowing that there would be an independent audit.

*MOTION CARRIED.
Transportation (Aviation) Committee
Lease: Time Extension, Rainier Flight Services, LAG-11-003

Transportation (Aviation) Chair Palmer presented a report recommending concurrence in the staff recommendation to approve a two-year extension, terminating on 3/31/2015, of the lease with Rainier Flight Services, LLC and authorize the Mayor and City Clerk to execute the amendment.

MOVED BY PALMER, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

RESOLUTIONS AND ORDINANCES

RESOLUTION #4180
Community Services: Floating Fish Trap ILA, WA Fish & Wildlife

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal agreement with the Washington State Department of Fish and Wildlife for the purpose of anchoring floating fish traps on the City's real property or land. MOVED BY ZWICKER, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

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

ORDINANCE #5686
Budget: 2013 Carry-Forward Ordinance

An ordinance was read amending the 2013/2014 biennial budget as adopted by Ordinance No. 5682, in the amount of $53,452,633. MOVED BY ZWICKER, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL. ALL AYES. CARRIED.

NEW BUSINESS
Community Services: 2013 Neighborhood Grant Applications
Police: Expand Photo Enforcement Program

MOVED BY TAYLOR, SECONDED BY BRIERE, COUNCIL REFER THE 2013 NEIGHBORHOOD GRANT APPLICATIONS FROM THE FINANCE COMMITTEE TO THE COMMUNITY SERVICES COMMITTEE. CARRIED.

MOVED BY PERSSON, SECONDED BY PALMER, COUNCIL REFER THE TOPIC OF EXPANDING THE PHOTO ENFORCEMENT PROGRAM TO THE PUBLIC SAFETY COMMITTEE. CARRIED.

AUDIENCE COMMENT
Citizen Comment: Various – Cedar River Library

The following speakers commented on the Cedar River Library: Stuart Avery (Renton); Nicola Robinson (Renton); Judy Milligan (Renton); Jeannie Green Crooke (Renton); Richard Bray (Renton); Beth Asher (Renton); and Kathie Ossenkop (Renton).

Citizen comments and concerns stated or alleged included: Not everyone may be happy with the design but the process illustrates a healthy City where citizens can voice their opinions and concerns; it is understandable yet unfortunate that Council decided to trust the information KCLS provided regarding the newest library design; disappointment that the entrance will be moved and the library will not be the same size as the current building; digital technology should not replace printed materials; there is some confusion regarding building's interior design; and KCLS should be held accountable for customer service, not just for providing additional services to patrons.

The following citizen recommendations were expressed: Council should amend the interlocal agreement so that there can be no transference of funds between the Highlands Library and the Cedar River Library; and the City should consider adding wiring for security cameras to the library design now because KCLS has taken a position against the use of security cameras and they may be needed in the future.
Mark Martinez (Renton) reiterated his concern that the City has taken a position opposing the new marijuana initiative I-502. He explained that if the City's position is to follow federal law on this issue, then the City should follow all federal laws. He cited the Defense of Marriage Act as one federal law the City may not be adhering to properly.

Council President Corman remarked that Council had discussed this issue at their annual retreat, and at this time has not taken a position regarding this topic. He stated that it is, however, Council's intent to figure out how to comply with the will of the voters.

Assistant City Attorney Newsom remarked that he believes it is clear that the supremacy clause in the federal constitution means that federal laws trump state and local laws. Discussion ensued regarding the City's ability to uphold every federal law.

MOVED BY CORMAN, SECONDED BY TAYLOR, COUNCIL RECESS INTO EXECUTIVE SESSION FOR APPROXIMATELY 25 MINUTES TO DISCUSS PROPERTY ACQUISITION (RCW 42.30.110.1.b.) WITH NO OFFICIAL ACTION TO BE TAKEN AND THAT THE COUNCIL MEETING BE ADJOURNED WHEN THE EXECUTIVE SESSION IS ADJOURNED. CARRIED. Time: 10:02 p.m.

Executive session was conducted. There was no action taken. The executive session and the Council meeting adjourned at 1012p.m.

Bonnie I. Walton, CMC, City Clerk
## RENTON CITY COUNCIL COMMITTEE MEETING CALENDAR
Office of the City Clerk
COUNCIL COMMITTEE MEETINGS SCHEDULED AT CITY COUNCIL MEETING
April 29, 2013

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<th>COMMITTEE/CHAIRMAN</th>
<th>DATE/TIME</th>
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<tr>
<td>COMMITTEE OF THE WHOLE</td>
<td>MON., 5/6</td>
<td>Regional Issues (briefing)</td>
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<tr>
<td>(Corman)</td>
<td>6 p.m.</td>
<td><em>7TH FLOOR CONFERENCING CENTER</em></td>
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<td>COMMUNITY SERVICES</td>
<td>MON., 5/6</td>
<td>2013 Neighborhood Grant Applications</td>
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<td>(Taylor)</td>
<td>5 p.m.</td>
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<td>FINANCE</td>
<td>MON., 5/6</td>
<td>Vouchers;</td>
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<td>(Briere)</td>
<td>3:30 p.m.</td>
<td>School District Impact Fees; Emerging Issues in Revenue Streams</td>
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<td>(briefing); Worker’s Compensation Third Party Administrator (briefing);</td>
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<td>Entertainment Device License Fee Code Amendment</td>
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<tr>
<td>PLANNING &amp; DEVELOPMENT</td>
<td>MON., 5/6</td>
<td>CANCELED</td>
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<td>(Zwicker)</td>
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<tr>
<td>PUBLIC SAFETY</td>
<td>MON., 5/6</td>
<td>Expanding Photo Enforcement Program; Emerging Issues in Law Enforcement</td>
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<tr>
<td>(Persson)</td>
<td>5:30 p.m.</td>
<td>(briefing)</td>
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<td>TRANSPORTATION (AVIATION)</td>
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<td>(Palmer)</td>
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<td>UTILITIES</td>
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<td>(Prince)</td>
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**NOTE:** Committee of the Whole meetings are held in the Council Chambers unless otherwise noted. All other committee meetings are held in the Council Conference Room unless otherwise noted.