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

CITY STAFF IN ATTENDANCE
DENIS LAW, Mayor; JAY COVINGTON, Chief Administrative Officer; ANN
NEILESEN, Assistant City Attorney; BONNIE WALTON, City Clerk; GREGG
ZIMMERMAN, Public Works Administrator; ALEX PIETSCH, Community and
Economic Development Administrator; MARTY WINE, Assistant CAO; LESLIE
BETLACH, Parks Planning & Natural Resources Director; PREETI SHRIDHAR,
Communications Director; CHIP VINCENT, Planning Director; RONALD STRAKA,
Utility Engineering Supervisor; GARY FINK, Civil Engineer II; DEPUTY CHIEF TIM
TROXEL, Police Department.

SPECIAL PRESENTATION
Public Works Administrator Gregg Zimmerman announced that the City was
informed by the Federal Emergency Management Agency (FEMA) that its
National Flood Insurance Program Community Rating System classification was
increased to Class 6 in October, 2009. He stated that due to the floodplain
management activities implemented over the past five years, City residents and
businesses now qualify for a 20 percent discount on flood insurance premiums.
He introduced Mark Riebau, FEMA’s Chief of Floodplain Management and
Insurance Branch Mitigation Division, Region X.

Mr. Riebau reported that there are over 20,000 communities participating in
the National Flood Insurance Community Rating System and only 165 have
achieved a Class 6 or better rating. He reemphasized that the new classification
allows residents and businesses in Renton to receive a 20 percent discount on
flood insurance premiums and presented a plaque to the City honoring the
achievement.

Surface Water Supervisor Ron Straka accepted the plaque with appreciation.
He thanked Gary Fink, Civil Engineer II for helping the City achieve its Class 6
rating and explained how the City maintains its Community Rating System
classification. Mr. Straka also thanked City officials and staff for their
contributions to the Surface Water Utility Division’s floodplain management
activities.

APPEAL
Planning & Development
Committee:
Appeal: Cavalla Preliminary
Plat, Petrie, PP-08-097

MAJORITY REPORT: The Planning and Development Committee heard this
appeal on 4/22/2010. Pursuant to RMC 4-8-110.F., the Committee’s decision
and recommendation is limited to the record, which consists of, but is not
limited to, the Hearing Examiner’s Report, the Notice of Appeal, and the
submissions and presentations made by the respective parties.

BACKGROUND
The subject site is located southeast of 162nd Ave. SE and SE 137th Pl. of what
is now within the boundaries of the City of Renton. This site was annexed into
the City in August, 2008, but the initial application was made to, and therefore
vested to, King County’s R-4 zoning designation’s development regulations.
including the use of Transfer of Development Rights (TDRs), a concept used in King County, but not in the City. Following annexation into the City, Applicant KBS III, LLC submitted an amended application of its 9.40 acre site known as Cavalla. The amended application revised the previous proposal to reflect the use of TDRs which brought the total number of lots to forty-nine (49).

In resubmitting their amended application, Applicant held public meetings with neighborhood organizations, such as CARE, in order to receive feedback to incorporate into its amended project. Applicant further complied with the City staff’s request to redesign its plat to provide better conformity with the City’s comprehensive plan and neighborhood design. In doing so, Applicant received the support of the City staff for its new amended plat.

PROCEDURAL HISTORY
Applicant’s new application underwent State Environmental Protection Act (SEPA) review and the City’s Environmental Review Committee (ERC) issued a Determination of Non-significance - Mitigated (DNS-M) with two (2) mitigation conditions related to drainage and erosion control. There were no appeals filed against this SEPA determination. On 10/13/2009, a preliminary plat hearing was held before the City’s Hearing Examiner. The Hearing Examiner issued a recommendation of approval with eleven (11) conditions. Appellant David Petrie filed both a reconsideration and an appeal of the Hearing Examiner’s determination. The City staff also filed a reconsideration after it was discovered that complete notice was not provided to all the requisite areas. In an abundance of caution, the Hearing Examiner opted to reopen the hearing. Following the 2/9/2010 subsequent hearing, the Hearing Examiner issued a new recommendation on 3/1/2010, which again recommended approval of the plat, but with thirteen (13) conditions.

The matter was then referred to the Committee for the appeal of the preliminary plat. Both Appellant Petrie and Applicant KBS, by its attorney David Halinen, appeared before the Committee and presented its respective cases. However, both parties joined in a request to modify the first sentence under paragraph 1 of RECOMMENDATION on page 20 Hearing Examiner’s 3/1/2010 Decision to strike the word “only” as follows:

The applicant shall perform all steps and complete all documentation necessary, as required by King County Code section 21A.37, and the City of Renton, in order to process the Transfer of Development Rights properly for this subject plat, only.

RECOMMENDATION DECISION:
Having considered the comments and motions made by the respective parties, and having reviewed the submissions, files, and evidence in this matter, the Majority of the Committee hereby makes the following recommendations:

1. Deny Applicant KBS Motion to Dismiss the appeal.
2. Deny Appellant Petrie Motion for a 30 day feasibility study (as it is inadmissible new evidence)
3. Find that the Hearing Examiner did not make any error of fact or law, but, pursuant to its authority to modify the Hearing Examiner’s conditions, recommends that the following modification be made to the Hearing Examiner’s 3/1/2010 Decision such that the first sentence under paragraph 1 of RECOMMENDATION on page 20 reads as follows:
The Applicant Shall perform all steps and complete all documentation necessary, as required by King County Code section 21A.37, and the City of Renton, in order to process the Transfer of Development Right’s properly for this subject plat, only.

MINORITY REPORT: The Planning and Development Committee heard this appeal on 4/22/2010. Pursuant to RMC 4-8-110.F., the Committee’s decision and recommendation is limited to the record, which consists of, but is not limited to, the Hearing Examiner’s Report, the Notice of Appeal, and the submissions and presentations made by the respective parties.

BACKGROUND
The subject site is located southeast of 162nd Ave. SE and SE 137th Pl of what is now within the boundaries of the City of Renton. This site was annexed into the City in August, 2008, but the initial application was made to, and therefore vested to, King County’s R-4 zoning designation’s development regulations including the use of Transfer of Development Rights (TDRs), a concept used in King County, but not in the City. Following annexation into the City, Applicant KBS III, LLC submitted an amended application of its 9.40 acre site known as Cavalla. The amended application revised the previous proposal to reflect the use of TDRs which brought the total number of lots to forty-nine (49).

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PROCEDURAL HISTORY
Applicant’s new application underwent State Environmental Protection Agency (SEPA) review and the City’s Environmental Review Committee (ERC) issued a Determination of Non-significance - Mitigated (DNS-M) with two (2) mitigation conditions related to drainage and erosion control. There were no appeals filed against this SEPA determination. On 10/13/2009, a preliminary plat hearing was held before the City’s Hearing Examiner. The Hearing Examiner issued a recommendation of approval with eleven (11) conditions. Appellant David Petrie filed both a reconsideration and an appeal of the Hearing Examiner’s determination. The City staff also filed a reconsideration after it was discovered that complete notice was not provided to all the requisite areas. In an abundance of caution, the Hearing Examiner opted to reopen the hearing. Following the 2/9/2010 subsequent hearing, the Hearing Examiner issued a new recommendation on 3/1/2010, which again recommended approval of the plat, with thirteen (13) conditions.

The matter was then referred to the Committee for the appeal of the preliminary plat. Both Appellant Petrie and Applicant KBS, by its attorney David Halinen, appeared before the Committee and presented its respective cases. However, both parties joined in a request to modify the first sentence under paragraph 1 of RECOMMENDATION on page 20 Hearing Examiner’s 3/1/2010 Decision to strike the word “only” as follows:
The applicant shall perform all steps and complete all documentation necessary, as required by King County Code section 21A.37, and the City of Renton, in order to process the Transfer of Development Right’s properly for this subject plat, only.

RECOMMENDATION DECISION:
Having considered the comments and motions made by the respective parties, and having reviewed the submissions, files, and evidence in this matter, the Minority of the Committee hereby makes the following recommendations:

1. Deny Applicant KBS Motion to Dismiss the appeal.
2. Deny Appellant Petrie Motion for a 30 day feasibility study (as it is inadmissible new evidence)
3. Find that the Hearing Examiner did not make any error of fact or law, and affirm and adopt the 3/1/2010 decision in its entirety.

Councilmember Briere remarked that with both parties concurrence the Committee recommended that the word “only” be stricken from the Hearing Examiner’s report.

Councilmember Parker explained how the Cavalla Preliminary Plat came into the City vested with the Transfer of Development Rights (TDRs) already in place. He further explained that Council made a commitment to East Plateau residents that the area would be zoned R-4 (Residential - Four Dwelling Units per Net Acre), and that he does not take that commitment lightly. He stated that it was only due to the community’s concurrence in the project that he agreed to support the higher density for this plat. Mr. Parker opined that the word “only” in the Hearing Examiner’s report established the fact that the City would allow TDRs in only this one case, and demonstrates that Council supports R-4 zoning in the East Plateau area. Mr. Parker also noted that it is the Council’s right to make a determination whether TDRs will be accepted in the future.

Councilmember Briere remarked that there may be other properties throughout the City that are similarly vested and that the topic of TDRs should be reviewed by the Planning and Development Committee.

MOVED BY BRIERE, SECONDED BY ZWICKER, COUNCIL CONCUR IN THE MAJORITY COMMITTEE REPORT.*

Councilmember Zwicker acknowledged Councilmember Parker’s concerns and remarked that he also believes the topic should be reviewed in the Planning and Development Committee.

Responding to Councilmember Taylor’s inquiry, Assistant City Attorney Nielsen remarked that interpretation of the term “only” as used by the Hearing Examiner was not an issue before the Council in regards to the appeal, and opined that it would be inappropriate to interpret the Hearing Examiner’s use of the word.

*MOTION CARRIED.

Jerry Brennan (Renton) reviewed the chain of ownership of his family’s properties located on Lake Washington Blvd. N. He remarked that one of the properties was under contract for sale when it was determined by the City that the lots may not be legal lots. Mr. Brennan remarked that through a series of communications he was advised by the City to hire an attorney to write a letter
explaining why his lots are legal. He stated that his lawyer wrote the letter and then was told by the City he should short plat his properties to make them legal lots. He stated that he felt the City’s handling of this matter has been wrong.

MOVED BY CORMAN, SECONDED BY TAYLOR, COUNCIL ALLOW THE SPEAKER AN ADDITIONAL FIVE MINUTES. CARRIED.

Continuing, Mr. Brennan stated that it will cost thousands of dollars to conduct a survey and purchase the required permits to short plat his properties.

Responding to Councilmember Corman’s inquiry, Mr. Brennan explained that the properties were quit claimed by Burlington Northern Railroad to his family in 1999, and that the King County Assessors office inadvertently removed the tax parcel identification numbers in 2002. He stated that with the City’s support, the tax identification numbers were restored.

MOVED BY ZWICKER, SECONDED BY CORMAN, COUNCIL REFER TO THE ADMINISTRATION THE GUSTINE PROPERTY TIMELINE AND SUPPORTING INFORMATION REGARDING LEGAL LOT STATUS, FOR RESPONSE. CARRIED.

Chief Administrative Officer Covington noted that a significant amount of staff time has already been spent on Mr. Brennan’s issue, and that a copy of the response will be provided to Council.

CONSENT AGENDA

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

Council Meeting Minutes of 4/19/2010


City Clerk: Quarterly Contract List, 1/1/2010 to 3/31/2010


CED: Supporting Howard Hanson Dam Funding

Community and Economic Development Department recommended adoption of a resolution supporting the federal funding needs and expedited construction timeline for interim and permanent repairs to the Howard Hanson Dam. Council concur. (See page 128 for resolution.)

MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

UNFINISHED BUSINESS

Community Services Committee

CED: 2010 Neighborhood Program Grants

Community Services Chair Palmer presented a report recommending concurrence in the staff recommendation to approve the following grant awards:

1. **Clover Creek Homeowners’ Association** - Project is to complete restoration of the neighborhood common area by planting native vegetation and bark. ($2,310)

2. **Ellis Park Homeowners’ Association** - Project consists of placing a neighborhood entrance sign at the entrance into the neighborhood and landscaping around a retention pond and children’s park. ($9,679)

3. **Falcon Ridge Homeowners’ Association** - Project consists of expanding the play area with additional play equipment and wood chips. ($15,767)

4. **Maplewood Neighborhood Association** - Project consists of installing a neighborhood entrance into the neighborhood, located on Hwy. 169 & 134th Ave. SE. ($7,840)

5. **May Creek Homeowners’ Association** - Project consists of refurbishing an existing mailbox kiosk by painting. ($210)
6. **Rolling Hills Condominium Association** - Project consists of upgrading and expanding the children’s park by adding play structures and two park benches. ($5,558)

7. **Stonegate Homeowners’ Association** - Project consists of creating a small playground and installing a play structure, benches, picnic table, bike rack, waste receptacles and fencing in the neighborhood common area. ($20,650)

8. **Summerwind Homeowners’ Association** - Project is to create a community garden, located in an undeveloped neighborhood common area. ($8,008)

9. **Windwood Homeowners’ Association** - Project consists of landscape improvements to an island at front entrance. Island measure 8’ x 60’. ($400)

The Committee further recommended approval of funding for the following administrative newsletter applications:

1. **Earlington Neighborhood Association** - Annual costs for a newsletter printed quarterly and distributed door-to-door and by USPS. ($440)

2. **Honey Creek Ridge Homeowners’ Association** - Annual costs for a newsletter printed and distributed door-to-door twice a year. ($103)

3. **Rolling Hills Homeowners’ Association** - Annual costs for a newsletter printed monthly and distributed door-to-door and by USPS. ($300)

4. **Sunset Neighborhood Association** - Annual costs for a newsletter printed and distributed once a year by USPS. ($2,350)

5. **Tiffany Park Homeowners’ Association** - Annual costs for a newsletter printed once a year by USPS. ($89)

6. **Tiffany Park Neighborhood Association** - Annual costs for a newsletter printed and distributed door-to-door three times a year. ($506)

7. **Victoria Hills Homeowners’ Association** - Annual costs for a newsletter printed quarterly and distributed by USPS. ($141)

The first round of applications totals $74,357, leaving a balance of $8,643. A second round will follow, with a deadline for applications of 10/8/2010.

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

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**Appointment: Airport Advisory Committee**

Community Services Chair Palmer presented a report recommending concurrence in Mayor Law’s appointment of Mark Hancock to the Airport Advisory Committee, Kennydale Neighborhood alternate position, for an unexpired term expiring on 5/7/2011 (position previously held by Colleen Ann Deal).

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

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**Finance Committee**

**Transportation: Hire Deputy Public Works Administrator - Transportation at Step D**

Finance Committee Chair Parker presented a report recommending concurrence in the staff recommendation that the Administration be authorized to compensate Rich Perteet as the Deputy Public Works Administrator - Transportation at Step D of Grade m45, effective 4/16/2010.

MOVED BY PARKER, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
Finance Committee Chair Parker presented a report recommending concurrence in the staff recommendation to approve the requested fee waivers by Renton Civic Theater to use the Carco Theater and staff in the combined total amount of $7,340 to continue production of the annual Summer Teen Musical. MOVED BY PARKER, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance Committee members expressed appreciation for the Renton Civic Theater group’s commitment of volunteering their time to ensure that the Summer Teen Musical continues in its 25th year. They encouraged the public’s support of the Renton Civic Theater by purchasing season tickets.

The following resolution was presented for reading and adoption:

RESOLUTION #4044
CED: Supporting Howard Hanson Dam Funding

A resolution was read requesting that the United States Congress appropriate sufficient funds to provide for interim and permanent repairs to the Howard Hanson Dam, and direct the United States Army Corps of Engineers to make the Howard Hanson Dam permanent repair a priority project. MOVED BY BRIERE, SECONDED BY ZWICKER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinance was presented for second and final reading:

ORDINANCE #5536
Budget: 2010 Carry Forward Ordinance

An ordinance was read amending the City of Renton Fiscal Year 2010 Annual Budget as adopted by Ordinance No. 5510, in the amount of $37,020,458, with the total amended budget to be $249,428,051, to carry forward to 2010 funds appropriated in 2009, but not expended in 2009. MOVED BY PARKER, SECONDED BY TAYLOR, COUNCIL ADOPT THE ORDINANCE AS PRESENTED. ROLL CALL. ALL AYES. CARRIED.

MOVED BY PERSSON, SECONDED BY PALMER, COUNCIL REFER THE NOISE ORDINANCE AND RELATED PROCEDURES TO THE COMMITTEE OF THE WHOLE. CARRIED.

MOVED BY ZWICKER, SECONDED BY PARKER, COUNCIL REFER TO THE UTILITIES COMMITTEE THE CORRESPONDENCE FROM PRITHYA A. KORATHU, MANUFACTURED HOUSING COMMUNITY PRESERVATIONS (MHCP), REQUESTING APPROVAL TO UTILIZE A NEW GARBAGE PROVIDER AT WONDERLAND ESTATES WITHOUT PENALTY. CARRIED.

MOVED BY BRIERE, SECONDED BY PARKER, COUNCIL REFER THE TOPIC OF TRANSFER OF DEVELOPMENT RIGHTS (TDRs) TO THE PLANNING AND DEVELOPMENT COMMITTEE. CARRIED.

Gwendolyn High (King County) stated that she lives in the East Plateau area and the matter of Transfer of Development Rights (TDRs) is of great importance to her community. She opined that the East Plateau area has received more density because of TDRs than anywhere else in King County.
ADJOURNMENT

MOVED BY PERSSON, SECONDED BY ZWICKER, COUNCIL ADJOURN. CARRIED.
Time: 7:49 p.m.

Bonnie I. Walton, CMC, City Clerk

Jason Seth, Recorder
April 26, 2010
# RENTON CITY COUNCIL COMMITTEE MEETING CALENDAR

**Office of the City Clerk**

**COUNCIL COMMITTEE MEETINGS SCHEDULED AT CITY COUNCIL MEETING**

April 26, 2010

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<td>COMMUNITY SERVICES (Palmer)</td>
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<td>FINANCE (Parker)</td>
<td>MON., 5/3</td>
<td>Vouchers</td>
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<td>PLANNING &amp; DEVELOPMENT (Briere)</td>
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<td>PUBLIC SAFETY (Taylor)</td>
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<td>TRANSPORTATION (AVIATION) (Corman)</td>
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<td>UTILITIES (Zwicker)</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*.